



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 685 OF 2023

Mahesh Khandu Pisute And Others

VERSUS

The State Of Maharashtra Through Secretary And Others

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Advocate for the Petitioner : Mr. Shah N.S.

AGP for Respondent/State : Mr. S.P. Joshi

Advocate for Respondent Nos.3 to 6 : Mr. Akshay Jagtap (through V.C.)

...

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : NOVEMBER 28, 2024

PER COURT :

1. Learned counsel Mr. Akshay Jagtap has instructions to appear for respondent nos.3 to 6.
2. In this petition, the grievance is in respect of the rejection of the proposals seeking approval to the appointments of the petitioners.
3. The petitioners were appointed on 30.07.2019 and 27.02.2020.
4. The respondent no.2/Education Officer rejected their proposals vide order dated 17.05.2020 on three grounds which are as follows :
 - (i) The appointments were not in accordance with the Government Resolution dated 02.02.2012.
 - (ii) No procedure contemplated by the Government Resolution dated 23.06.2017 and 20.06.2018 was followed.

(iii) There was ban imposed by the Government Resolution dated 04.05.2020.

5. Learned Counsel for the petitioners refer various orders which covers the issues raised in this case. He submits the issue is no more *res integra*.

6. Learned AGP supports the impugned communications. He would submit that the appointments of the petitioners were not in accordance with the policies which were then prevailing. The Education Officer is justified in rejecting the proposals.

7. The issue involved in this petition is already covered by the earlier judgments. For that purpose, reliance is placed on the order passed by the coordinate bench in the matter of Pawase Dattatraya Bhausahab and Others Vs. State of Maharashtra and Others, in Writ Petition No.8002/2020. Additionally he tenders on record a few orders of the coordinate benches passed in the matters of Bhima s/o Bhaskar Dighe Vs. State of Maharashtra and Others in Writ Petition No.7397/2022 and Raut Swati Jayprakash Vs. State of Maharashtra and Others in Writ Petition No.8175/2021. The common thread of all these decisions is that the Education Officer was directed to reconsider the proposal afresh.

8. We have been consistently holding that the Government Resolution dated 23.06.2017 and 02.02.2019 has not been put to the use. We have already taken such a view in the matter of **Shaikh Jaweriya Khadarsab Vs. State of Maharashtra and Others**, in Writ

Petition No.13150/2022 and **Lalit s/o Sureshrao Shinde Vs. State of Maharashtra and Others**, in Writ Petition No.14420/2021. The ban imposed by the Government Resolution dated 04.05.2020 is not absolute. It has repercussions of financial implication. The approving authority has discretion while considering proposal. The Government Resolution dated 02.02.2012 appears superseded by subsequent policies.

9. We are of considered view that the objective scrutiny of the proposals need to be done afresh, therefore pass the following order :

ORDER

- (a) Writ Petition is allowed partly.
- (b) The impugned communication issued by the respondent no.2/Education Officer is quashed and set aside.
- (c) The respondent no.2/Education Officer shall reconsider the proposals and decide them on its merit.
- (d) The parties are at liberty to produce before the Education Officer relevant documents, case laws or the Government Policies, if any, within a week from today. The decision shall be taken within four weeks from today.
- (e) However the Education Officer shall not reject the proposals for the reasons which are already assigned in the impugned communications.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]