



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

935 WRIT PETITION NO. 13194 OF 2024

SANDEEP BABAN KURHE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

936 WRIT PETITION NO. 13195 OF 2024

HAUSHINATH ANNASAHEB BORDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

939 WRIT PETITION NO. 13199 OF 2024

DHANANJAY SURESH KARPE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Advocate for the Petitioners : Mr. Vitthal H. Dighe
AGP for Respondents No.1 and 2 : Mr. S. K. Tambe
Advocate for Respondent No.3 : Mr. Shriniwas S. Wagh

...

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

DATE : 04-12-2024

PER COURT:-

1. Heard the learned counsel for the petitioners.
2. Initially the petitioners were working as Peons. They have upgraded their education and were appointed as Assistant Teachers. Their proposal for approval to the promotion was sent. However, respondent No.2 / Education Officer, by impugned order dated 08.10.2024, refused their promotion from non-teaching to teaching staff, on the ground mentioned therein.
3. Issue notice to the respondents. The learned A.G.P. waives service of notice for respondents No.1 and 2. Mr. Wagh, learned

counsel waives service of notice for respondent No.3.

4. Heard the learned counsel for the parties.

5. Admittedly, the petitioners have been promoted to the post of Assistant Teacher.

6. Considering the facts of the case, we find that the impugned orders are apparently illegal and against the Government policy as well as view taken by this Court in *Shri Suhas s/o. Rangraoji More vs. State of Maharashtra and others, Writ Petition No.7706 of 2022 (Nagpur Bench) dated 21.12.2023, and another judgment in Rajendra Kondibhau Jagtap vs. The State of Maharashtra, Writ Petition No.9264 of 2021 (Aurangabad Bench) dated 20.10.2022.*

7. Considering the law laid down by this Court, we allow these writ petitions.

8. The impugned orders passed by respondent No.2/ Education Officer (Secondary), Zilla Parishad, Ahmednagar dated 08.10.2024, quashed and set aside.

9. The matters are relegated to respondent No.2 for considering the proposals of petitioners filed by respondent No.3, within six weeks from today, in the light of Government Resolution dated 10.06.2005 (Revised Shikshan Sevak Scheme) and considering the judgment.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE