



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

142 WRIT PETITION NO. 13250 OF 2023

SHIVANAND MAROTIRAO SONTAKKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Panpatte V. S.
Addl.GP for Respondent nos. 1, 3 & 4 : Mr. A.R.Kale
Advocate for Respondent no. 2 : Surekha P. Mahajan
Advocate for Respondent nos. 5 & 6 : Mr. Ashok B. Tele

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 19.08.2024

PER COURT:

Heard.

2. Petitioner's proposal seeking approval to his appointment came to be rejected by respondent No. 3- Deputy Director of Education, Latur Division, Latur, vide communication dated 24.04.2023, only on the ground that the procedure as contemplated by the Government Resolution dated 23.06.2017 was not followed.

3. We have already taken a view by order dated 10.06.2024 in Writ Petition No. 13150 of 2022 in the matter of Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and others that the Education Officer/Deputy Director of Education has to conduct objective scrutiny of the proposal and it cannot be rejected only on the ground that procedure as contemplated by the Government Resolution was not followed.

4. In that view of the matter, we dispose of the petition by

quashing the communication dated 24.04.2023 and directing the respondent No. 3- Deputy Director of Education, Latur Division, Latur, to reconsider the proposal of the petitioner for grant of approval to his appointment on its own merits. The decision shall be taken as expeditiously as possible, and in any case within a period of four (04) weeks from today. However, same shall not be rejected on the grounds mentioned in the impugned communication.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-