



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 WRIT PETITION NO.47 OF 2023

SHINDE JYOTI KRUSHNA ALIAS RAJGURU JYOTI SANJAY
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS

...
Mr. S. T. Shelke, Advocate for the Petitioner.
Mr. S. J. Salgare, AGP for Respondent Nos.1 and 2.
Mr. S. S. Wagh, Advocate for Respondent No.3.
...

CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

DATE : 9th MAY, 2024.

ORDER :-

. Present petition has been filed to challenge the order dated 04.05.2022 passed by respondent No.2 thereby rejecting the proposal to grant approval to the appointment of the petitioner as Assistant Teacher.

2. Heard learned Advocate Mr. S. T. Shelke for the petitioner, learned AGP Mr. S. J. Salgare for respondent Nos.1 and 2 – State and learned Advocate Mr. S. S. Wagh for respondent No.3.

3. It appears that earlier respondent No.2 had rejected the proposal on 28.05.2020 by giving reason in respect of difficulties in the proposal. The petitioner had then challenged that order before

this Court by filing Writ Petition No.6545 of 2021, which came to be decided on 14.12.2021 and the matter was relegated to respondent No.2. It was specifically observed that the rejection on the fresh consideration should not be on the ground on which the impugned order was passed, however, it appears that while passing impugned order dated 04.05.2022 some more difficulties were found. Respondent No.2 could have called upon the management to give explanation in respect of those defects and then ultimately could have taken the final decision, but instead of that by raising those defects in the proposal, the proposal has been rejected. Therefore, it would be appropriate to relegate the matter upon the statement made on behalf of respondent No.3 that respondent No.3 would consider the impugned order dated 04.05.2022 as show cause notice and would file fresh proposal within a period of six weeks by removing those defects.

4. In view of the said statement, the writ petition stands disposed of by giving following directions :-

I) The impugned order dated 04.05.2022 given on proposal submitted by respondent No.3 be taken as show cause notice and fresh proposal be submitted by respondent No.3 to respondent No.2 within a period of six weeks from today.

II) Upon presentation of the fresh proposal, respondent No.2 to decide the same on its own merits as well as by taking into

consideration the decision given by this Court on 14.12.2021 in Writ Petition No.6545 of 2021, position of the Circulars, Government Resolutions and law on the date of appointment of petitioner; within a period of three months from the said receipt of proposal from respondent No.2.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm