



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15119 OF 2023
WITH
CIVIL APPLICATION NO.4595 OF 2024
IN WP/15119/2023

1. YUVRAJ VISHVAMBHAR JADHAV
2. BHARAT RAMRAO SALVE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Tele Ashok B.

AGP for Respondents: Mr. A.R. Kale

Advocate for Respondent Nos.4 and 5 : Mr. S.S. Manale

...

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

DATE : **19.08.2024**

PER COURT:

Heard.

2. The learned advocate for the petitioners, on instructions, seeks leave to withdraw the writ petition to the extent of petitioner No.1.

3. The petition to the extent of petitioner No.1 is disposed of.

4. Petitioner No.2's proposal seeking approval to his appointment came to be rejected by respondent No.3 – Education Officer (Secondary), Zilla Parishad, Jalna vide communication dated 28.04.2023 only on the ground that the procedure as contemplated by the Government Resolution dated 23.06.2017 was not followed.

5. 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.

6. In that view of the matter, we dispose of the petition by quashing the communication dated 28.04.2023 and directing the respondent No.3 – Education Officer (Secondary), Zilla Parishad, Jalna to reconsider the proposal of the petitioner No.2 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.

7. Pending Civil Application No.4595/2024 is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

habeeb