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**(This order stands corrected in view of the order dated
23.01.2024.)**

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

1023 WRIT PETITION NO. 474 OF 2024

VIKAS DHONDIBHAU MHASKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

....

Mr S. T. Shelke, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondent Nos.1 & 2
Mr S. S. Wagh, Advocate for Respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 10th January, 2024

PER COURT:

1. Time and again, we have been directing the Education Officer and several other authorities that, when they notice deficiencies in any proposal, be it for approving an appointment or a transfer from the unaided to the aided establishment, etc., the proposal should not be discarded with a rejection order. Instead, an order directing the Authority which forwarded the proposal, to

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cure the deficiencies and remove the deficiencies, would be in the fitness of things.

2. In this matter, we once again find that the impugned order dated 01/09/2023 has been passed by Respondent No.2/Education Officer (Secondary), Zilla Parishad, Ahmednagar, rejecting the proposal for granting approval to the appointment of the Petitioner as an 'Assistant Teacher', only on the ground that there were some deficiencies in the said proposal. The Management has appointed the Petitioner as the 'Assistant Teacher' on 21/11/2016.

3. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated **01/09/2023** is quashed and set aside.

4. Since the Management has removed the deficiencies in the proposal of the Petitioner and re-tendered the proposal on 16/12/2023, which was received by the Education Officer on 20/12/2023, we direct Respondent No.2/Education Officer, to

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consider the said proposal on it's own merits and pass a reasoned order within a period of 60 days.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk