

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2443 OF 2022

Sanjay Vilas Shendge And Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Laxman S. Deshmukh for the Petitioners.

Mr. S.H. Kankal, AGP for the Respondent Nos.1 to 3/State.

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**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 23 JULY 2024

P.C. :-

. Heard learned counsel for the parties.

2. Petitioner No. 1 employee working with Petitioner No. 3 School run by Petitioner No. 2 Education Institute are jointly challenging the impugned order dated 19 July 2021 passed by Respondent No. 3 - Education Officer (Secondary) Zilla Parishad, Sangli. By the impugned order, the approval for appointment of the Petitioner No. 1 as Junior Clerk is rejected.

3. Reply affidavit is filed by Respondent / State taking stand that the proposal is rejected in view of embargo in Government Resolution dated 4 May 2020 issued due to Covid-19 Pandemic. It is an admitted position that the situation envisaged under the Government Resolution dated 4 May 2020 does not exist and the

Resolution is not in force. There are other reasons given in the impugned order. Therefore, the proposal will have to be examined on merits.

4. In the light thereof, the impugned order is quashed and set aside. The proposal of the Petitioners is restored to file. The proposal will be examined on its merits and decision as per law be taken within a period of eight weeks, subject to earlier time bound directions, as per the procedure laid down by the judgment and order of this Court in the case of *Nitin Bhika Tadge v/s. State of Maharashtra and Ors.*¹. The Petitioners will place the copy of the said decision before the Education Officer for reference. If approval is granted, then necessary consequential steps be taken by the concerned Officers.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

¹ Civil WP/204/2019 dated 16 April 2024