

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15488 OF 2023

Sourabh Dagadu Dhole

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Chetan G. Patil i/b. Mr. Mandar G. Bagkar for Petitioner.

Mr. Aditya R. Deolekar, AGP for Respondent Nos. 1 to 3.

Mr. Bhooshan R. Mandlik for Respondent Nos. 4 and 5.

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

DATE : 23 JULY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner / employee working with Respondent No. 4 and 5 (Management and School) is challenging the order dated 11 March 2022 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned order, the approval for Petitioner's appointment as Junior Clerk is rejected. Learned counsel for the Respondent No. 4 and 5 states that there is no internal dispute in the Management and they are supporting the cause of the Petitioner.

3. Perused the impugned order. The only reason given in the impugned order is that of letter dated 5 May 2020 communicating stay on appointments under Government Resolution (GR) dated 4 May 2020.

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4. It is an admitted position before us that the ban imposed by the said GR was due the situation brought about by Covid-19 pandemic and the same has been lifted. Therefore, the only ground in the impugned order will no longer survive.

5. In that view of the matter, we dispose of this petition by following order :

- (A) The impugned order is quashed and set aside. The Petitioner's proposal is restored.
- (B) If there are any grounds on which the Respondent / Education Officer intends to return or reject the proposal of the Petitioner, he is directed to communicate the same to the Respondent / Educational Institute within a period of three weeks from today.
- (C) The Respondent / Educational Institute shall thereafter submit its explanation to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon.
- (D) The Respondent / Education Officer is directed to decide the proposal thereafter within a period of eight weeks, by dealing with the explanation given by the Educational Institute as also dealing with case law / orders of this Court, by passing a reasoned order, subject to other time bound directions. The order will be passed

keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of *Judgment dated 16 April 2024* in the matter of *Nitin B. Tadge Vs. State of Maharashtra in Writ Petition No. 204 of 2019* and other companion petitions.

6. We have not expressed any opinion on the Petitioner's proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent / Education Officer proceeds to grant proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure / directions will not apply.

7. The writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)