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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 12082 OF 2022

Pradnya Baban Kole and Anr.

... Petitioners

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Laxman S. Deshmukh for the Petitioners

Mr. V.M. Mali, AGP for the Respondent Nos. 1 to 3

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

DATE : 10 JUNE 2024

P.C. :-

The Petitioners have challenged the order passed by the Education Officer, Zilla Parishad, Sangli dated 6 May 2022 rejecting the proposal submitted for appointment of Petitioner No.1 as a Laboratory Assistant.

2. Reply affidavit is filed in which stand is taken that the proposal was rejected in view of embargo in the 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 is no other reason given in the impugned order nor in the reply. Therefore, the proposal will have to be examined on merits.

3. In the light thereof, the impugned order dated 6 May 2022 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 Petitioner 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.

JYOTI
PRAKASH
PAWAR

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¹ Civ.WP 204/2019 dtd. 16 April 2024