

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11778 OF 2022

Miss. Madhuri Kumar Darvan and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Satyajeet A. Rajeshirke, for Petitioner.

Ms. Dhruti Kapadia, AGP for Respondent Nos. 1 to 3.

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

DATE : 5 AUGUST 2024

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P.C.:

. Heard learned counsel for the parties. Learned counsel for the Petitioners, at the outset seeks leave to amend description of Respondent No. 3 to replace word 'Kolhapur' with 'Sangli'. Leave granted. Amendment to be carried out within a period of one week.

2. Petitioner No. 1 Employee working with Petitioner No. 3 School run by Petitioner No. 2 Education Institute are jointly challenging the order dated 27 July 2022 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad, Sangli. By said impugned Order, the approval for appointment of Petitioner No. 1 as Laboratory Assistant is rejected.

3. Perused the impugned order. The only reason for rejecting the proposal is the ban under Government Resolution (GR) dated 4 May 2020. It is an admitted position before us that the ban imposed by

the said GR was due to the situation brought about by Covid-19 Pandemic and the same has been lifted. Therefore, the only ground in the impugned order no longer survives.

4. In that view of the matter, we dispose of this petition by directing that the impugned order dated 27 July 2022 is quashed and set aside. The Petitioners' proposal stands restored. If there are any other grounds on which the Respondent- Education Officer intends to return or reject the proposal, he is directed to communicate the same to the Petitioners within a period of three weeks from today.

5. The Petitioners shall thereafter submit their explanation to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. The Respondent- Education Officer is directed to decide the proposal of Petitioner No. 1 thereafter within a period of eight weeks, by dealing with the explanation given by the Educational Institute as also dealing with case laws / 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 Petitioners'

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.)