

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2525 OF 2022

Jaydeep Jaysing Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Satyajeet A. Rajeshirke, for Petitioner.

Ms. Dhruti Kapadia, AGP for Respondent Nos.1, 2 and 5.

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

DATE : 5 AUGUST 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner/ employee working with Respondent No. 4 School run by Respondent No. 3 Educational Institute, is challenging the order dated 25 September 2021 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Sangli. By said impugned order, the approval for Petitioner's appointment as Junior Clerk is rejected. None appears for Respondent No. 3 & 4 / Management despite due service of notice for final disposal, as per office note/bailiff report. We proceed therefore on the basis that the Respondent Management is not contesting the Petitioner's case.

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 25 September 2021 is quashed and set aside. The Petitioner's 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 Respondent/Educational Institute within a period of three weeks from today.

5. 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. 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 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 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.)