

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

WRIT PETITION NO. 1288 OF 2024

Sant Shikshan Sanstha, Mumbai & Ors. ... Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

.....

Mr.Utkarsh Desai i/b. Mr.Prashant Bhavake for the Petitioners.

Mr.S.B. Kalel, AGP for Respondent Nos. 1 to 5-State.

.....

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

DATE : 10 JUNE 2024

P.C. :

. Heard the learned Counsel for the parties.

2. Petitioner Nos. 1 and 2 -Educational Institute has challenged the order dated 8 September 2022 passed by Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara. By the impugned order, Respondent No. 5 -Education Officer has rejected the proposal of approval to the appointment of Petitioner No.3 on the post of junior clerk.

3. The impugned order has listed two grounds of rejection. First ground is of a ban on recruitment in view of the Government

Resolutions dated 4 May 2020 and 5 May 2020 and the second ground is the interim order passed by this Court in Writ Petition No. 5058 of 2021 and other connected Petition dated 11 March 2022 involving the issue of staffing pattern.

4. As regards the first ground of rejection, the learned Counsel for the Petitioners has placed on record two Government Resolutions dated 12 April 2022 and 31 October 2022. It is an admitted position before us that the ban imposed by the Government Resolutions dated 4 May 2020 and 5 May 2020 which were due to the situation brought about by Covid-19 Pandemic, is lifted. Therefore, the ground in the impugned order would no longer survive.

5. As regards the second ground of rejection is concerned, the interim order passed by this Court in Writ Petition No. 5058 of 2021 is now vacated. This petition along with connected writ petition were finally disposed of by this Court on 6 February 2024. This ground also does not survive.

6. Both these grounds taken in the impugned order therefore do not survive. In light of this position, the proposal submitted by the Petitioners will have to be considered on its own merits.

7. Accordingly, the Writ Petition is disposed of by quashing and setting aside the impugned order dated 8 September 2022 passed by

Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara. The proposal of the Petitioners is restored to the file of the Education Officer (Secondary) Zilla Parishad, Satara, who will take a decision on the proposal on its own merits within a period of eight weeks from today, subject to earlier time bound directions and other urgent public duties, after following the methodology and the law laid down by this Court in the case of *Shri Nitin Bhika Tadge and Another Versus The State of Maharashtra and Others and connected Petitions*.¹

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)

1 Civil Writ Petition No. 204 of 2019 & connected Petitions dated 16 April 2024