



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 1847 OF 2024

(Adarsh Shikshan Sanstha and others ..vs.. State of Maharashtra, through its Secretary, Ministry of
Education and Sport Department, Mumbai and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Ram Karode, Counsel for the petitioners,
Mr. S.M. Ghodeswar, AGP for respondent Nos.1 and 2.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 22-04-2024

It is the case of the petitioners that the issue is squarely covered vide order dated 05-3-2024 delivered in Writ Petition No. 6632/2023 which was between the same management and the Education Officer, but for change of the employee.

2. According to Mr. R.D. Karode, learned Counsel appearing for the petitioners, the petition can be disposed of in terms of the said order.

3. Mr. S.M. Ghodeswar, learned Assistant Government Pleader would urge that in case if the petitioner is disqualified on any other issue, but for the issue of the qualification as reflected in the order, the Education Officer shall be given liberty to delve on the controversy and pass order on merits.

4. We have considered the rival claims in the light of communication dated 20-12-2023 issued by respondent No.2-Education Officer addressed to the Headmaster of the petitioner No.2-School.

5. The proposal of petitioner No.3 employee i.e. Shikshan Sevak came to be rejected on the ground that the petitioner is not fulfilling the condition of 50% qualifying marks in B.A. or equivalent examination.

6. The issue is already covered by the judgment dated 28-8-2019 passed in Writ Petition No. 4079 /2019 (Sachin Panjabrao Surwade v. State of Maharashtra).

7. In that view of the matter, we deem it appropriate to allow the petition and direct the respondent No.2-Education Officer to grant approval to the petitioner provided if the petitioner No.3 is otherwise qualified.

8. The petition stands partly allowed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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