



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

Writ Petition No.6397 of 2022

[Shri Sandip S/o Divakar Choure **VERSUS** State of Maharashtra and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's order
Registrar's orders.

Shri Anant Dixit, Counsel for Petitioner.

Shri N.S. Rao, Assistant Government Pleader for Respondent Nos.1 and 2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 2nd AUGUST, 2024

P. C. :

1. Heard.
2. The challenge in this petition is to the order impugned dated 27-5-2022 passed by the respondent No.2- Education Officer (Secondary), Zilla Parishad, Gondia, whereby the approval to the appointment of the petitioner on the post of Junior Clerk granted by the respondent No.2 came to be rejected.
3. Perusal of the order impugned depicts that the reason cited therein speaks of ban on recruitment.
4. The issue is informed to be covered by the judgment of this Court dated 13-2-2023 delivered in Writ Petition No.3219 of 2022 in the matter of *Shyamlata Bahuudeshiya Shikshan Sanstha and others Versus State of Maharashtra and another*.
5. Since the appointment of the petitioner is during COVID period, it has to be held that the respondent No.2- Education Officer, cannot stall the process of approval, if the appointment is in clear vacancy.

6. In that view of the matter, we quash and set aside the order impugned dated 27-5-2022 passed by the respondent No.2- Education Officer.

7. We direct the respondent No.2- Education Officer to consider the claim of the petitioner for grant of approval to his appointment made on the post of Junior Clerk by the respondent No.3 against a clear vacancy and pass a fresh order.

8. Needless to clarify that the approval shall not be rejected on the ground that there was a ban on recruitment.

9. The petition stands allowed and disposed of in the aforesaid terms. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)