



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

WRIT PETITION NO. 4700 OF 2024

n Khan Nazeer Khan Vs. Education Officer (Secondary), Zilla Parishad, Buldhana and others)

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

Court's or Judge's orders

Mr. N.R. Saboo, Advocate for petitioner.

Mr. N.S. Rao, Assistant Government Pleader for respondent No.1.

**CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.**

DATED : 01-10-2024

Heard.

2. The grievance of the petitioner pertain to his pending proposal for approval which is forwarded by the Management on 26.6.2023 and the relief sought by him is simplicitor, consideration of his proposal.

3. We heard Mr. Saboo, the learned Counsel for the petitioner, who has taken us through sequence of events and he has submitted before us that the petitioner was appointed in the non-aided section as Assistant Teacher by an order dated 20.9.2013 and when the approval to the appointment was rejected by the Education Officer in the wake of Government Resolution dated 4.5.2020, he approached this Court by filing Writ Petition No. 4857/2021, when a direction was issued to Education Officer to decide the proposal with a sense of urgency and in any event, within a period of 90 days.

4. It is pertinent to note that the rejection was in view of Government Resolution dated 4.5.2020 and the learned Assistant Government Pleader conceded before this Court that

said Resolution was only related to the Pandemic period. Admittedly, before the same could be decided despite specific direction issued by the Court, the petitioner came to be appointed on 26.6.2023 on the post of Shikshan Sevak but this time in an aided section and upon his appointment been effected, on 26.6.2023, the Headmaster of the School at which he was appointed forwarded a proposal to the Education Officer seeking approval to the said appointment by clearly setting out that in the year 2021-22, one post was available in the aided section and since the petitioner was qualified to hold the post, he was duly selected and he has resumed the post and therefore, he should receive an approval.

5. It is not uncommon that such proposals are kept pending by the Education Officer and in this case, though a period of more than one year has passed, the Education Officer has done nothing though he was duty bound to decide the proposal at the earliest.

6. Hence, we direct respondent No.1 Education Officer to take decision on the proposal forwarded by the Management on 26.6.2023 within a period of six weeks from today. It is made clear that any disobedience on the part of the Education Officer to the order of the Court, we would constrained to proceed against the Education Officer under the Contempt of Courts Act.

7. With the aforesaid direction, the petition is disposed of.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)