



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

WRIT PETITION NO. 4848 OF 2018

Ku. Pranita d/o Milind Pawar.

....Petitioner

versus

State of Maharashtra, through its Secretary,

Department of Education, Mantralaya, Mumbai and others.Respondents

Mr. S.D.Borkute, Advocate for petitioner.

Ms N. P. Mehta, Additional Government Pleader for respondent nos. 1 to 3.

Mr. P. R. Agrawal, Advocate for respondent nos. 4 and 5.

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

DATE :- 3rd SEPTEMBER, 2024

P. C.

Heard learned counsel for the parties.

2. On 30.04.2012 the post of 'Shikshan Sevak' was advertised by the respondent-Management against which the petitioner was issued appointment order. The approval to the said appointment for the period from 26.06.2012 to 25.06.2015 was granted by the Education Officer(Secondary), Zilla Parishad, Akola, vide order dated 30.03.2013. Subsequent thereto, the services of the petitioner were duly confirmed and approval to that effect was ordered by the Education Officer (Secondary) vide order dated 26.10.2017 with effect from 26.06.2015.

3. Thereafter, the Deputy Director of Education has re-considered the issue of grant of approval and vide impugned order dated 29.06.2018 cancelled the approval granted to the appointment of the petitioner on the ground that the selection and appointment of the petitioner was during the ban period which was imposed vide Government Resolution dated 02.05.2012.

4. We have appreciated the reasons furnished in the impugned order.

5. Having heard the respective counsel, it is apparent that the ban imposed vide Government Resolution dated 02.05.2012 on the issue of recruitment was subsequent to the permission granted in favour of the respondent-Management to fill in the post.

6. That being so, the ban as was ordered ought not to have applied to the case of the petitioner.

7. The said issue is squarely covered by the decision of the Division Bench in the matter of *Welcome Augusten Mascaren vs. State of Maharashtra [2021(3) Mh. L. J.]*, so also decision of this Bench in **Writ Petition No. 4380 of 2018** (*Bengali Education Society and others vs. Deputy Director of Education and anr.*) decided on 18.01.2023.

8. That being so, we deem it appropriate to quash and set aside the order dated 29.06.2018 passed by the Deputy Director of Education, Amravati Division, Amravati, thereby cancelling the approval granted to the appointment of the petitioner. It is held that the approval granted to the appointment of the petitioner cannot be said to be contrary to the Government Resolution dated 02.05.2012. As a consequence thereof, the petitioner's services are held to be approved.

9. The writ petition stands allowed in aforesaid terms. No order as to costs. Order accordingly.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)