

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

WRIT PETITION NO. 1188 OF 2024

(Devi Saraswati Mahila Bahu Uddeshiya Shikshan Sanstha and another..Vs. State of Maharashtra and others.)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.Z. Jibhkate, counsel for petitioners,
Ms. N.P. Mehta, Addl.GP for respondent Nos. 1 to 3/State.

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

DATE : FEBRUARY 21, 2024

Heard.

2. Pursuant to the permission granted by respondent No. 3 dated 13.3.2009, an advertisement came to be issued by petitioner No. 1 in daily 'Lokmat'. Petitioner No. 2 came to be appointed by petitioner No. 1 on the post of Laboratory Attendant in Open Category. Refusal to grant of approval is subject matter of challenge in Writ Petition No. 2998/2021, wherein, this Court has passed an order of remand directing the Education Officer to pass a fresh order.

3. Vide impugned order dated 31.10.2023, passed by the Education Officer, the proposal for grant of approval forwarded by petitioner No. 1 to the appointment of petitioner No. 2 as Laboratory Attendant is again turned down on the ground that as per the staffing pattern approved by the Backward Class Cell,

which was approved on 30.3.2012, the post of Laboratory Attendant cannot be said to be vacant.

4. The fact remains that the order impugned narrates the reasons which were in existence subsequent to the order of Education Officer granting permission to advertisement and filling the post.

5. Prima facie, there appears to be substance in the contentions raised by learned counsel for the petitioner that the respondent – Education Officer is seeking out, further reasons for grant of approval as is a case in hand the reasons cited for rejection of approval is based on the events which were subsequent not only to the advertisement but also to the appointment of petitioner No. 2.

6. Issue notice to the respondents, returnable on 18.3.2024.

7. Ms. N.P. Mehta, the learned AGP waives service of notice for respondent Nos. 1, 2 and 3/State.

8. We direct respondent No. 3 to file affidavit explaining the aforesaid, before the next date of hearing.

(ABHAY J. MANTRI, J.) (NITIN W. SAMBRE, J.)