



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3156 OF 2024

**SUDARSHAN TANHAJIRAO MORE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHER**

...
Advocate for Petitioner : Mr. Barde Parag Vijay
Addl.GP for Respondents/State : Mr. S.K. Tambe
Advocate for Respondent Nos. 5 and 6 : Mr. Chavan Sudhir K.
(Through V.C.)

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 27th FEBRUARY 2025

PER COURT :

. Heard both sides.

2. The Petitioner has challenged the decision of the Respondent No.3/Deputy Director of Education, rendered on 25.01.2024 revoking the approval granted to the Petitioner on 27.11.2020.

3. The Petitioner was appointed as Shikshan Sevak on 11.11.2020 in Respondent No.6/School. Thereafter his proposal seeking approval was submitted to the Respondent No.3/Education Officer and by order dated 27.11.2020, approval was granted to his appointment. Thereafter, proposal was forwarded for inclusion of his

name in the Shalarth Pranali to the Respondent No.3. The Petitioner was required to approach this Court as the proposal was awaiting decision for considerable time. By order of coordinate bench passed on 04.07.2023, the directions were issued to decide the proposal within four weeks. Thereafter inquiry was conducted by the Respondent No.2 and by impugned order, proposal was rejected.

4. Respondent No.2 assigned three reasons for revoking approval of the Petitioner namely (i) the appointment of the Petitioner was not as per the Government Resolution dated 23.06.2017 by following online portal; (ii) Ignoring this fact, Education Officer had granted approval to the appointment of the Petitioner and (iii) the proposal seeking approval appears to have been not received by the concerned office.

5. Learned Counsel for the Petitioner submits that in view of decision of coordinate bench in the matter of Shaikh Jaweria Shaikh Khadarsab Vs. State of Maharashtra and Others, in Writ Petition No.13150/2022 to which one of us Shri. Justice Shailesh Brahme was the Member, the Government Resolution dated 23.06.2017 has not been put to the effective use and rejection on that count is bad in law. It is further submitted that the Petitioner's appointment was approved by the Education Officer. Our attention is invited to the covering letter of the proposal which is dated 18.11.2020. It is submitted that no fault can be attributable to the Petitioner in this regard.

6. Per contra, Mr. Tambe learned AGP appearing for Respondent nos. 1 to 4 would support the impugned order. He would rely on judgment of the coordinate bench passed in the matter of **Pravin Bodhu Kasbe Vs. State of Maharashtra and Others**, in Writ Petition No.3142/2020 to which one of us Shri. Justice Shailesh Brahme was the Member to buttress the submission that the policy of the Government of appointment through Pavitra Portal was directed to be scrupulously followed. It is further submitted that the appointment of the Petitioner was not in accordance with law. There were serious flaws and it was infact the backdoor entry. He would submit that even without receiving proposal, he was being granted approval by the Education Officer. It is, therefore, submitted that the Deputy Director of Education has rightly rectified the mistake.

7. There is no dispute that the Petitioner was appointed on 11.11.2020 and his appointment was approved by the Education Officer on 27.11.2020. The covering letter of the proposal was addressed to the Education Officer on 18.11.2020 which bears the inward number. In pursuance of that the approval was issued to the Petitioner. The Petitioner cannot be said to be responsible for forwarding or addressing any covering letter to the Education Officer. Therefore revocation of his approval on that count is unsustainable.

8. Respondent No.1/Government issued Government Resolution dated 23.06.2017 for appointment of the employees of

the private school through online portal. However, the said process was not followed and certain difficulties were faced. The employees who were appointed without following that procedure, were also approved. Considering these facts, the coordinate bench in the matter of Shaikh Jaweria Shaikh Kadarsab (supra), has taken a view that the Government Resolution dated 23.06.2017 has not been put to the effective use. In that view of the matter, we find that the pre-dominant reason for revocation of approval is also unsustainable.

9. We have gone through the judgment cited by the learned AGP in the matter of Pravin Bodhu Kasbe (supra). In that matter a view was taken that the Government Resolution dated 23.06.2017 should be scrupulously followed. In the context of those facts, it was observed by the coordinate bench that advertisement was not issued and due procedure was not followed and therefore the petition was dismissed. Decision in Shaikh Jaweria (supra) referred by the Petitioner is subsequent in time and covers the subsequent events.

10. Under above circumstances, we find that the impugned order is unsustainable and we relegate the parties to the Respondent No.2/Deputy Director of Education to conduct in-depth inquiry.

11. Writ Petition is disposed of by quashing and setting aside the impugned order and relegating the parties to Respondent No.2/Deputy Director of Education to conduct objective scrutiny afresh after extending opportunity to the parties.

12. Respondent No.2 shall take decision within eight weeks from today.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

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