



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 WRIT PETITION NO. 6091 OF 2023

Sachin Mahadev Bhorade

....Petitioner

Versus

The State of Maharashtra,
Through Its Secretary & Ors.

....Respondents

.....
WITH

WRIT PETITION NO. 6114 OF 2023

Moim Chand Pathan

.....Petitioner

Versus

The State of Maharashtra,
Through Its Secretary & Ors.

.....Respondents

.....
WITH

WRIT PETITION NO. 6100 OF 2023

Kishor Dnyandeo Shelke

.....Petitioner

VERSUS

The State of Maharashtra,
Through Its Secretary & Ors.

.....Respondents

.....
WITH

WRIT PETITION NO. 6111 OF 2023

Nilesh Babasaheb Naik

.....Petitioner

VERSUS

The State of Maharashtra,
Through Its Secretary & Ors.

....Respondents

.....
Mr. Bhaskar Parmeshwar Gonare i/b. M/s. Talekar & Associates,
Advocate for the Petitioners.
Mr. R. K. Ingole, AGP for Respondent-State.

Mr. A. B. Tele h/f. Mr. N. E. Deshmukh, Advocate for Respondent Nos.4 and 5.

.....
CORAM : NITIN W. SAMBRE,
SACHIN S. DESHMUKH, JJ.

DATE : 12th JUNE, 2025

P.C.:-

1. Heard.
2. Petitioners in all these petitions were selected and appointed by Respondent No.4 as Assistant Teacher/Shikshan Sevak in Respondent No.5-School against the sanctioned vacancy.
3. Respondent-Education Authorities have refused to grant approval to appointment of the Petitioners, vide issuing order dated 6th March 2023, on the following grounds:-
 - (a) Before filling up the post, permission from the Education Department was not obtained.
 - (b) The advertisements were not given in two newspapers.
 - (c) As per the current situation, since the teachers are being recruited through the pavitra portal system from 23rd June 2017, the institution cannot make independent recruitment.
4. It appears that Respondent No.4-Management has issued an

advertisement after it has sought permission on 19th September 2022 from the Education Authorities to filling up the post.

5. Respondent No.4-Management accordingly issued two advertisements. Pursuant to first advertisement, the interviews were to be conducted on 20th October 2022 and the second advertisement was caused as the candidates pursuant to first advertisement were not available. In the second advertisement, the interview had to be conducted on 24th December 2022. It is only after following the aforesaid process, Petitioners came to be appointed.

6. In our view that it is for the Education Officer to consider and decide the proposal and failure of Respondent No.3-Education Officer to decide either way the prayer for grant of permission to advertise the post or to fill in the post cannot be considered detrimental to the Petitioners particularly, when the Respondent No.4-Management has issued an advertisement to fill up the post against where the Petitioners were selected and appointed.

7. The advertisements which are placed on record at page Nos.35 and 36 clearly indicates that same were circulated in the newspaper.

8. Apart from above, the Respondents themselves have given of the claim where the selection and appointment to be carried out in the

pavitra portal. A specific observation to that effect are made by the Division Bench of this Court, while deciding the case of ***Shaikh Jaweria Khadarsab Vs. The State of Maharashtra & Ors.*** in Writ Petition No.13150 of 2022 decided on 10th June 2024 at Bombay High Court, Bench at Aurangabad.

9. In the said order, this Court has observed that the Respondents themselves have claimed that the appointments during the said period were not carried out through pavitra portal. Though, learned AGP has claimed that the said observations are based on incorrect submissions, the fact remains that it was for the Respondents to clarify the same in their Affidavit which they have failed to.

10. That being so, the orders impugned passed by Respondent No.3-Education Officer are hereby quashed and set aside. We direct Respondent No.3-Education Officer to grant the approval to the appointment of the Petitioners as has been prayed by Respondent No.4-Management.

11. All these petitions are allowed in the above terms. The order granting approval be issued to the Petitioners within a period of eight weeks from today.

(SACHIN S. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)