



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 9055 OF 2023

GITANJALI BALASAHEB SONAWANE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

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Mr. M.S. Deshmukh h/f. Mr. Avinash S. Khedkar – Advocate for Petitioner
Mr. S.D. Ghayal – AGP for Respondent Nos.1 and 2, State
Mr. A.B. Chalak – Advocate for Respondent Nos.3 and 4

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**CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.**

DATE : 03.07.2025

PER COURT :

1. Heard learned Counsel – Mr. M.S. Deshmukh holding for Mr. Avinash S. Khedkar for petitioner, learned A.G.P for respondent Nos.1 and 2, State, learned Counsel – Mr. A.B. Chalak for respondent Nos.3 and 4.

2. By this petition the petitioner is challenging the order dated 30.08.2017 issued by the respondent – Education Officer whereby the respondent – Management was communicated that the proposal moved for seeking approval to appointment of petitioner and others as Shikshan Sevak stood rejected.

3. One of the reasons recorded in the said order was that the proposal was not appropriately presented in the camp organized in pursuance of the Government Resolution dated 05.12.2012. It was also recorded therein that in the light of a circular dated 08.08.2017 issued by the Finance Department, approval to teaching and non-teaching staff could not be granted.

4. Learned Counsel for the petitioner submits that, even if the Management had failed to remain present in the camp or if the Management was not properly indicated about organizing of such camp, the petitioner as an employee cannot be made to suffer. It is further submitted that, the order dated 30.11.2017 refers to number of employees/petitioners whose proposals were forwarded including one Mrs. Fatangade. It came to light subsequently that, with reference to the proposal on 23.09.2024 approval was granted to newly appointed Mrs. Fatangade. A copy of the said order dated 23.09.2024 is tendered and the same is taken on record and marked 'X'. It is submitted that, this demonstrates discriminatory treatment meted out to the petitioner.

5. Learned A.G.P. relied upon the reply-affidavit placed on record, which shows that from paragraph Nos.4 to 8, a number of reasons are given, as to why the impugned order dated 30.11.2017 can be justified. It is settled law that the order must speak for itself and the authorities cannot supply reasons by way of affidavits. Even if there were some

alleged deficiencies, the same ought to have been pointed out to the respondent–Management and then the cases of individual employees could have been considered for approval.

6. We are of the opinion that amongst the detailed reasons mentioned in the reply–affidavit only one point is mentioned in the impugned order and therefore, this appears to be a case of an attempt on the part of Education Officer to justify the impugned order by giving reasons in the affidavit in reply. The same cannot be accepted. It is also noted that a fellow employee – Mrs. Fatangade was granted approval, while the petitioner has suffered the impugned order dated 30.11.2017. This aspect also needs to be explained by the Education Officer and therefore, in these circumstances it would be appropriate that, the impugned order dated 30.11.2017 is set aside and the matter is sent back to the Education Officer for decision afresh after giving proper opportunity to the respondent – Management in the facts and circumstances of the present case.

7. In view of the above, the petition is partly allowed. The impugned order dated 30.11.2017 is set aside. The matter is relegated back to the respondent – Education Officer, who shall giving a reasonable opportunity to the respondent – Management to pursue the proposal for grant of approval to the appointment of the petitioner. The deficiency, if any, will be pointed out to the respondent – Management and thereupon

the respondent – Education Officer shall take an informed decision afresh. The exercise shall be carried out within six (6) weeks.

8. Pending Civil Applications, if any, also stand disposed of.

[Y. G. KHOBRADE, J.]

[MANISH PITALE, J.]

Pooja Kale/