



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

WRIT PETITION NO. 13977 OF 2025

Sachin Ratnakar Deshmukh

VERSUS

The Sane Guruji Shikshan Prasarak Manda Through Its Secretary And
Ors

Mr. A. R. Salve, Advocate for petitioner

Mr. S. K. Tambe, Addl. GP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 17th December, 2025

PER COURT :-

1. Present petitioner submits that he came to be appointed on the post of "Assistant Teacher" from 31.12.2016. It is stated that the proposal was submitted for the approval of the appointment of the petitioner on 29.10.2018. There was certain objections which then cured vide letter dated 16.12.2019. During the period, the petitioner was required to approach this Court by filing writ petition No. 722/2019. This Court by order dated 05.11.2019 gave direction to respondent No. 3 to consider the proposal afresh. It is then stated that again by order dated 27.12.2024, the proposal came to be rejected and also by order dated 16.04.2025, it has been again rejected when the institution had given letter dated 16.04.2025 after the letter dated 27.12.2024.

2. According to the learned Advocate for the petitioner, all the documents have been annexed with the proposal. The petitioner came to be appointed on a clear vacant post. The proposal cannot be rejected on the ground that there was dispute between the trustees. In fact, now the letter has been given on 13.05.2025 by the institution to the respondent No. 3 clarifying that the proposal was given by the institution and not by the Headmaster on its own. Now even the change report has been accepted by the Charity Commissioner and therefore, there is absolutely no hurdle. Opportunity was not given to produce all these documents.

3. It appears that once again the institution has given letter dated 13.05.2025 explaining all the deficiencies mentioned in letter dated 16.04.2025. Important point to be noted is that the Education Officer will not be justified in considering the point that there was dispute between the Management which would be a subsequent event. The position as on the date of appointment of the concerned employee is then required to be considered. There cannot be a mechanical order by the Education Officer.

4. We therefore, dispose of the writ petition by directing the respondent No. 3 to consider the proposal for the appointment of the petitioner on the basis of letter dated 13.05.2025 given by the

Institution. We make it clear that if the respondent No. 3 is in need of document then he would be at liberty to call for the said document but he shall not reject the proposal only on the ground of non submission of the document. Even after giving opportunity to produce document if such document is not produced then he would be at liberty to take his own course but, in any manner there cannot be a mechanical order. Such order to be passed within a period of eight weeks from today.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi