



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1024 WRIT PETITION NO. 731 OF 2023

Prashant Prakash Gaikwad

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Mr. Shinde Chandrakant K., Advocate for the Petitioner

Mr. V. M. Kagne, AGP for Respondents State

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CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 1st August, 2025

P. C. :

1. By this petition, the petitioner challenges the order dated 12.10.2022 whereby, approval to his appointment has been refused by the Education Officer (Secondary). This Court issued notice in the present petition on 23.01.2023 and it is pending for further consideration.

2. In the meanwhile, the Respondent State issued Government Resolution dated 27.03.2024, providing for a remedy of appeal against such order before a Committee headed by the Deputy Director of Education. The said Government Resolution stipulates that orders passed after 01.01.2024 shall be appealable before such Committee and it is further stated that in a given case, if the Court directs to consider an appeal against an order passed prior to 01.01.2024, the Committee would be bound to consider such an appeal.

3. In the backdrop of the aforesaid Government Resolution, the learned counsel for the petitioner has instructions to withdraw this petition with liberty to file appeal before the aforementioned Committee constituted under the Government Resolution dated 27.03.2024. The learned counsel for the petitioner further submits that the said Government Resolution provides for a limitation period of 30 days to challenge the order. Although the power of condoning the delay is also reserved with the Committee, it is submitted that this Court may consider permitting the petitioner to file such an appeal within a stipulated period of time, with further direction to the Committee to consider the same without reference to the period of limitation. We are inclined to accept the contention raised on behalf of the petitioner.

4. In view of the above, the present petition is disposed of as withdrawn with liberty to file an appeal before the Committee constituted under Government Resolution dated 27.03.2024 within 10 days from today. If the petitioner files such an appeal within 10 days from today, the concerned Committee shall consider the same on merits, without reference to the limitation period and the same shall be decided strictly in accordance with law.

5. Pending applications, if any, also stands disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)