

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15423 OF 2024

Prathamesh Vishram ParkarPetitioners

versus

The State of Maharashtra & Ors.Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. K.S. Thorat, 'B' Panel Advocate for Respondent Nos.1 to 5-
State.

Mr. Dennis Gonsalves, Manager, Present in Court.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 18th FEBRUARY, 2025

P.C. :-

1. **Issue notice** to the Respondents, returnable on **24th March, 2025**. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 5.

2. Shri. Dennis Gonsalves, representing Respondent Nos.6 and 7, is present in the Court hall on Advocate's notice. He submits that, firstly, Respondent Nos.6 and 7 can engage an Advocate who would appear on the next date. He further submits that though the advertisement dated 12th February, 2020 published in

Daily Mumbai Mirror, is five years old, no person has been appointed in place of the Petitioner.

3. The learned Advocate for the Petitioner submits colour photostat copies to two advertisements viz., Maharashtra Times, dated 8th February, 2025 and Sunday Mumbai Mirror, dated 9th February, 2025. Both are taken on record and collectively marked as ‘X’ for identification.

4. Shri. Gonsalves submits that the due procedure laid down in law was followed while selecting the Petitioner. His appointment is dated 16th March, 2020 which is prior to the national lockdown due to the Pandemic dated 24th March, 2020. Yet, the Education Officer declined approval. The Management sent a revised approval dated 12th September, 2022. By the impugned order dated 20th September, 2022, a new ground is dug up by the Education Inspector and the approval is refused. He further submits that if the proposal is properly considered, the Management has no reason to go ahead with the new advertisement, ‘X’.

5. Considering the above, **this Writ Petition is partly allowed.** The impugned order is quashed and set aside. The last proposal tendered by the Management is restored to the file of

Respondent No.5. He shall reconsider the proposal. The objection regarding the Pandemic and the staffing pattern, keeping in view that the institution has a minority status, shall not be raised once again.

6. Since one objection was raised on the first proposal and a different objection is raised on the second proposal, we have reason to believe that no other objections or deficiencies have been pointed out. As such, Respondent No.5 would deal with the proposal and pass an order granting approval to the Petitioner's appointment, within 30 days from today.

7. The Management shall initiate steps for seeking Shalarth I.D. for the Petitioner and the Competent Authority shall deal with the said proposal within 30 days from the date of receipt and pass an appropriate order. Needless to state that the Petitioner would be entitled for all consequential benefits.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)