

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2831 OF 2025**

Ganesh S/o, Kachru GangurdePetitioner
versus
The State of Maharashtra & Ors.Respondents

Mr. Swapnil Meera Dilip Sangle i/b. Ms. Sneha S. Bhange,
Advocate for the Petitioner.

Mr. V.G. Badgujar, AGP for the Respondent Nos.1 to 3.

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

DATE : 3rd MARCH, 2025

P.C. :-

1. The Education Officer (Secondary), Zilla Parishad, Nashik, Shri. Pravin Patil has passed the impugned order dated 22nd July, 2024. The proposal seeking approval to the appointment of the Petitioner has been rejected. Five objections have been raised and one of them is that the prior permission was not taken while carrying out the recruitment. One objection is that there is no declaration that a Court matter is not pending concerning the post on

which the Petitioner is recruited.

2. Time and again, we have cautioned practically all the Education Officers in the State of Maharashtra that when they notice deficiencies in a proposal and they point out the deficiencies to the Management, they should not reject the proposal and should grant an opportunity to the Management to remove the deficiencies within a time frame. We may have passed hundreds of such orders. Yet, the Education Officers do not seem to learn anything from these orders and continue to pass the same type of orders. In an earlier order passed in February 2025, we have cautioned the same Education Officer, but had not imposed costs.

3. In view of of the above, **this Writ Petition is partly allowed with the following directions:**

(a) The impugned order dated 22nd July, 2024 stands quashed and set aside.

(b) The objections raised in the impugned order shall be treated as a notice to the Management and the Management would remove those deficiencies within a period of 45 days and

submit a revised proposal.

(c) After receipt of the said proposal, the Education Officer would consider whether the deficiencies have been removed and decide the proposal on its own merits, by passing a reasoned order within a further period of 45 days.

(d) We observe that we have not expressed any opinion about the merits of the proposal and all grounds and contentions are kept open.

(e) Akin to the orders passed by this Court in various matters, we are imposing nominal cost of Rs. 2,500/- which, Respondent No.3 Shri. Patil, would deposit in this Court within a period of 21 days from today, from his salary bank account. By consent of the Petitioner, Registry shall transfer the said amount to the Bar Council of Maharashtra and Goa, on the following details:-

Bar Council of Maharashtra and Goa

Account Number	:	10996711937
Bank	:	State Bank of India
Branch	:	Mumbai Main Branch
IFSC Code	:	SBIN0000300

4. Since the Petitioner is in employment and keeping in view the law laid down by the Full Bench of this Court in *St Ulai High School vs. Devendraprasad Jagannath Singh*,¹, we direct the employer not to terminate the service of the Petitioner till the decision of the Education Officer on the proposal.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

¹ 2007 (1) Mh.L.J. 597