



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1488 OF 2024

Ashvini Subhashrao Bhore
age : 33 years, Occ : service
R/o Virshi, Tah. Bhatkuli,
District – Amravati

.. Petitioner

Versus

- 1) State of Maharashtra,
through its Secretary, Education and
Sports Department, Mantralaya,
Mumbai – 32
- 2) The Education Officer (Secondary)
Zilla Parishad, Amravati
- 3) The Amravati Crucelian Society
Camp Road, Amravati, through its
Secretary
- 4) Holycross Marathi High School
Camp Road, Amravati,
Tq. And Dist. Amravati,
through its Head Mistress

.. Respondents

Mr. Ram Karode, Advocate for Petitioner.
Mr. A.M.kadukar, Addl.G.P. for respondent Nos.1 & 2.
Mr. S.Z.Qazi and Mr. D.S.Kanwale, Advocates for respondent
No.3.
and 4.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : FEBRUARY 18, 2025

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally, with
the consent of the learned counsel, appearing for the parties.

(2) By this petition, the petitioner is challenging the orders/communications dated 08/12/2023 and 29/11/2022 issued by respondent No.2, Education Officer, thereby refusing to grant approval to the petitioner's appointment. Further, to direct them to grant approval to the petitioner's appointment and release her salary from the date of appointment by including her name in the Shalarth Pranali and issuing Shalarth ID.

(3) The short question that arises for consideration is the proposal for a grant of the approval of the petitioner as indicated in the impugned communication dated 08.12.2023 (pg.90) is that the advertisement was not issued in a newspaper having wide circulation, in terms of the communication dated 26.09.2023 (pg.110) and ban imposed in terms of the 28.08.2023.

(4) The learned counsel for the petitioner submitted that the issue involved in the present matter is identical to the issue in the Writ Petition No.1730/2024 (Megha Tushar Sakale v/s The State of Maharashtra and others.) and covered by the decision in the said case. In response, the learned Assistant Government Pleader and learned counsel for respondents No.3 and 4 have not disputed the said proposition but submitted that the issue involved in the present matter is identical and similar to the issue which was involved in Writ Petition No.1730/2024 and the same is covered by the decision in the said writ petition.

Therefore, accepting their statements and considering the decision in Writ Petition No.1730/2024 and the facts of the present case that the petitioner's appointment was earlier in point of time before issuance of the communication dated 28.08.2023 by which the ban was imposed, as such, we deem it appropriate to allow the petition in terms of the decision in the said Writ Petition.

(5) In the wake of the above, the impugned orders/communications dated 08/12/2023 and 29/11/2022 issued by respondent No.2 Education Officer (Secondary), Zilla Parishad, Amravati, is hereby quashed and set aside. We direct respondent No.2 to grant approval to the appointment of the petitioner in case there is no impediment in law. The petition is allowed according to the above terms. No order as to costs.

Rule is made absolute in the above terms.

[ABHAY J. MANTRI, J.]

[AVINASH G. GHAROTE, J.]