



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.1865 OF 2024

(Shetkari Shikshan Sanstha, Nandori (Buj), District Chandrapur and ors. Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.N. Shende, Advocate for the petitioners.
Mr. A.V. Palshikar, AGP for the State.

**CORAM :- SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATED :- SEPTEMBER 17, 2025.

Heard learned Counsel for the petitioners and
learned AGP for the respondents/State.

2. The petitioners seek challenge to the impugned order dated 30/01/2024 issued by respondent No.2 whereby the Education Officer refused to grant approval to the appointment of petitioner No.3 on the post of "Junior Clerk" on the ground that there was a ban on the recruitment of non-teaching posts.

3. Learned Counsel for the petitioners submits that petitioner No.1 – Management is running petitioner No.2 – School and that the post of "Junior Clerk" in petitioner No.2 – School became vacant on 30/01/2016 because of the voluntary retirement of Mr. Gahudas Vyankatrao Umre. In view of the aforesaid vacancy and the fact that there was no other Junior Clerk in the School, petitioner Nos.1 and 2 appointed the petitioner No.3 to the post of Junior Clerk by following the due

procedure of law on 09/05/2016. Petitioner Nos.1 and 2 submitted the proposal for the approval of the appointment of petitioner No.3 to respondent No.2 – Education Officer (Secondary), Zilla Parishad, Chandrapur on 25/07/2021; and that respondent No.2 by virtue of the impugned order dated 30/01/2024, rejected the aforesaid proposal on the ground that there is a ban on recruitment and hence the aforesaid appointment should not have been made. Learned Counsel for the petitioners relies upon the communication dated 04/04/2016 issued by the Director of Education, Secondary and Higher Secondary Education, placed as Annexure – I on record at page 18 whereby the Director of Education has informed that when there is only one post of Clerk, there is no ban for recruitment of Clerk as there is no Clerk working in the School. It is worth to mention here that the aforesaid ground of rejection by respondent No.2 is clearly not available to the respondents, as the vacancy was already in existence.

4. Learned Counsel for the petitioners relied upon the order passed by this Court in ***Writ Petition No.6568/2023*** (*Arunodaya Bahuudeshiya Vikas Sanstha, Nagpur and ors. Vs. Deputy Director of Education, Nagpur and anr.*) dated 04/04/2024, as the facts are identical.

5. In view of the above, the writ petition is allowed.

6. The impugned communication dated 30/01/2024 issued by respondent No.2 is quashed and set aside.

7. Respondent No.2 is directed to consider the said proposal for approval afresh especially in view of the judgment of this Court in ***Writ Petition No.6568/2023*** dated 04/04/2024 (*supra*).

8. Hence, the writ petition stands disposed of.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

**Divya*