



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

WRIT PETITION NO. 337/2025

Hindi Shiksha Samiti, Tumsar and Ors.

Vs.

State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anand Parchure with Mr. P.P. Thakare, Advocate for Petitioner.
Mr. H. D. Marathe, A.G.P. for Respondents/State.

CORAM : ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI,JJ.
DATED : 31/07/2025.

1. The petitioner no.3, who was appointed as a Junior College Teacher for Chemistry has been denied approval on the ground that the advertisement was issued by the petitioner-Management on 16.01.2024 before the retirement of the employee in whose place the petitioner no.3 was appointed.

2. One Smt. Alka Raju Ilame stood retired on 29.02.2024 and before her retirement, the petitioner-Management started the process of recruitment. The advertisement was published on 16.01.2024 and the appointment was given to the petitioner no.3 on 01.03.2024 i.e. after the retirement of Smt. Alka Raju Ilame. However, since the advertisement was issued/published prior to the retirement of Smt. Alka Ilame, as stated hereinabove, the approval to the appointment of the petitioner no.3 was rejected by the respondent no.2.

4. It is pointed out that the petitioner no.1 is a minority institution and running a Junior College, i.e. petitioner no.2. In the petition, there are specific pleadings to the effect that since the retirement was in the midst of Session and considering the fact that only one teacher was teaching the subject of Chemistry, the petitioner-Management was required to complete the said process before the retirement as the 12th board examinations were just commencing and therefore, keeping in mind the academic interest of the students and to avoid any academic loss to them. Accordingly, the Management was required to complete the recruitment process before the retirement of Smt. Alka Ilame. There is no rebuttal to this particular averment made by the petitioners in the petition, by the respondents in their reply.

5. In the circumstances, we are of the opinion that since the peculiar circumstances are brought on record by the petitioners justifying the issuance of advertisement before the retirement of an employee, it could not be justifiable to reject the proposal of approval on the said ground.

6. It is an admitted fact that the appointment of the petitioner no.3 was with effect from 01.03.2024 i.e. after the retirement of the incumbent employee.

7. In the peculiar facts and circumstances of the case, we allow the writ petition. The orders dated 19.03.2024 and 23.07.2024 passed by the respondent no.2-Deputy Director of Education, Nagpur Division, Nagpur, thereby rejecting the approval to the appointment of the petitioner no.3, are set aside and a communication dated 05.12.2024 along with the report dated 09.10.2024 issued by the respondent no.3—the Grievance Redressal Committee is also set aside.

Further, we direct the respondent No.2-Deputy Director of Education, Nagpur Division, Nagpur, to grant approval to the appointment of the petitioner No.3 as a Junior College Teacher with effect from 01.03.2024, if there is no other legal impediment and further direct the respondents to grant Shalarth ID to the petitioner no.3.

8. The petition is accordingly disposed of in the above terms. No order as to costs.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)