



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 530 OF 2026

Sayyed Shahzada Jawan Bakht Abu TaherPetitioner

VERSUS

The State of Maharashtra & othersRespondents

Mr. Y. B. Bolkar, Advocate for the Petitioner.
Mr. S. B. Narwade, AGP for the State.

**CORAM : SMT VIBHA KANKANWADI
& HITEN S VENEGAVKAR, JJ.**

DATE : 2nd APRIL, 2026.

PER COURT :

1. Heard.

2. Issue notice to the Respondents. Learned AGP waives service for Respondent Nos. 1 to 5.

2. The Petitioner is challenging the order dated 11.10.2024 passed by Respondent No. 4 – Education Officer (Secondary), Zilla Parishad, Jalgaon, thereby rejecting the proposal seeking approval to the services of the Petitioner, on the ground that as per the staff approval, only twelve posts were sanctioned against which fourteen individuals are working on the post of Assistant Teachers. It is being

pointed out that this was a factually incorrect observation. The management by the communication dated 10.07.2024 had made an attempt to bring to the notice of the Education Officer the true state of affairs. The learned Advocate for the Petitioner, therefore, submits that the Education Officer may be directed to reconsider the factual aspect and pass a fresh order.

3. Considering the fact that the observations and the ground mentioned in the impugned communication of being factually disputed by the respondent/management, since the Education Officer may not have power and jurisdiction to recall his own order, it would be appropriate that the impugned order is quashed and set aside and he is called upon to take a decision afresh in light of the communication dated 10.07.2024 of the management, touching the aspect of staff approval. The request of the Petitioner is innocuous.

4. The Writ Petition is allowed partly. The impugned order is quashed and set aside. The matter is remanded back to the Education Officer who shall consider subsequent communication of the management and take a fresh decision on the proposal for grant of approval to the Petitioner's appointment.

5. The decision shall be taken as expeditiously as possible and in any case within six weeks.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb