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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 2050 OF 2026

Bhanudas Ratan Chandure
VERSUS
The State Of Maharashtra And Others

.....
Mr. V.S. Panpattes, Advocate for Petitioner
Mr. V.M. Kagne, AGP for Respondents No.1 and 2
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 25 FEBRUARY, 2026

PER COURT :-

1. The present petition has been filed challenging the order dated 14.11.2025 issued by respondent No.2, rejecting the approval to the appointment of the petitioner as Junior Clerk in respondent No.4-school.
2. Heard the learned advocate for the petitioner. Learned AGP waives service of notice for respondents No.1 and 2. There is no necessity to issue notice to respondents No.3 and 4.
3. The petitioner submits that respondent No.3 runs respondent No.4-school. Respondent No. 3 had promoted one Shri Usture, who was then in service as a Junior Clerk, to the post of Graduate Teacher by passing a resolution on 19.09.2024, and thereafter, by letter dated 20.09.2024, Respondent No. 2 had sought permission to place an

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advertisement for filling the vacant post of Junior Clerk. Thereafter, the advertisement was issued and in the said recruitment process, the petitioner was selected. The appointment order was issued to him on 01.01.2025, and since then, the petitioner has been serving, and his name is reflected in the school record. The proposal was sent on 12.08.2025 for granting approval to the appointment of the petitioner; however, it came to be rejected on the ground that, by letter dated 28.05.2025, the Director of Education had directed that there shall be no new recruitment till absorption in respect of non-teaching staff is effected.

4. Learned advocate for the petitioner submits that the said letter on which the rejection has been stated is subsequent to the date of appointment of the petitioner and the said letter cannot have a retrospective effect.

5. Learned AGP submits that the fact remains is that the additional non-teaching staff was yet to be absorbed, and therefore, such directions were issued.

6. Here, it is to be noted that the petitioner has contended that the earlier Junior Clerk was promoted and, therefore, the post of Junior Clerk has become vacant. The learned advocate for the petitioner is

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submitting a photocopy of the letter dated 20.09.2024, which is taken on record and marked as Exhibit 'X', wherein permission has been sought from Respondent No. 2 to issue an advertisement, and the said letter was received on the same day by the office of Respondent No. 2. Now, the only question that is required for consideration is whether the letter dated 28.05.2025 can have retrospective effect. The said letter at the most would be the administrative instruction, but then when it comes to the approval to the appointment then the procedure will have to be followed which is laid down as per the Government Resolutions. The administrative instructions will not prevail over the procedure laid down by the Government. In fact, Respondent No. 2, who has scrutinized the entire proposal, ought to have then come to a conclusion as to whether the approval was required to be granted or refused. Certainly, the ground for rejection is not valid, and therefore, it deserves to be set aside.

7. The impugned order dated 14.11.2025 issued by respondent No.2 is set aside. The matter is relegated to Respondent No. 2 for fresh consideration.

8. Respondent No.2 to consider and scrutinize the proposal and if any difficulty is found or he is in need of any document for verification, then he may call upon respondents No.3 and 4 and then take a decision

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on the said proposal on its own merits, within a period of eight (8) weeks from today.

9. We again clarify that the rejection cannot be on the point of the reasons stated in the impugned order dated 14.11.2025 and for want of any document which can be called for by him from respondents No. 3 and 4.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane