



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12373 OF 2025

Vikas s/o Sahebrao Kamble

.. Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai-32.
2. The Director of Education,
Secondary and Higher Secondary,
Directorate of Education,
Central Building, Camp,
Near Sasun Hospital, Pune – 411 001.
3. The Deputy Director of Education
Latur Division, Latur.
4. The Education Officer (Secondary)
Zilla Parishad, Latur.
5. The President,
Jay Bhawani Shikshan Sanstha,
Pangaon, Tq. Renapur, Dist. Latur.
6. The Head Master,
Tirupati Vidyalaya, Pangaon,
Tq. Renapur, Dist. Latur.

.. Respondents

...

Mr. T. M. Venjane, Advocate for the petitioner.
Mr. V. M. Kagne, AGP for the respondents/State.

...

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

DATE : 17 JANUARY 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present petition has been filed for quashing and setting aside the impugned communication dated 11.07.2025 issued by Education Officer (Secondary), Zilla Parishad, Latur, thereby rejecting the proposal for grant of approval to the appointment of the petitioner as Assistant Teacher. The consequential prayers have also been prayed.

2. The petitioner has come with the case that one Tirupati Vidyalaya, Pangaon, Taluka Renapur, District Latur is run by Jay Bhawani Shikshan Sanstha. There was vacancy of the Assistant Teacher from Scheduled Tribe category and, therefore, the institution had published advertisement to fill up the said post on 31.03.2016. As no candidate from Scheduled Tribe category attended the interview, again the said institution published advertisement on 31.05.2016 for the said post from Scheduled Tribe category, however, again no candidate attended the interview and, therefore, taking into consideration the difficulties of the students, the institution published another advertisement on 10.06.2016 for the post of Assistant Teacher from Scheduled Caste category. Thereafter, the petitioner came to be appointed from Scheduled Caste category by appointment order dated 29.06.2016. Petitioner joined his services on 01.07.2016. Thereafter, the proposal was sent by the

Headmaster on 23.06.2025 for grant of approval to the appointment of the petitioner. Without calling any queries from the school, the Education Officer (Secondary) by order dated 11.07.2025 rejected the said proposal. Hence, the petition.

3. Learned Advocate for the petitioner made submissions taking into consideration the documents on record and submits that when the petitioner is from the Scheduled Caste category, the decision to appoint him was taken by the management taking into consideration the difficulties of the students. The Education Officer erred in not giving an opportunity to the institution as well as the petitioner of hearing before taking the decision.

4. Per contra, learned AGP supported the decision and submits that even the documents produced by the petitioner would show that there was no vacancy for the post of Assistant Teacher from Scheduled Caste category. Vacancy was from Scheduled Tribe category. The institution could not have interchanged the reservation.

5. Here, it is to be noted that there is absolutely no documentary evidence to support the contention of the petitioner that on the earlier two occasions when the advertisement was published by the institution i.e. on 31.03.2016, 31.05.2016, no candidate from Scheduled Tribe

category appeared for the interview. It is not even clear as to how many persons had applied for the post and as to why their applications came to be rejected. Now, before shifting the reservation or before publishing advertisement on 10.06.2016 for the post of Assistant Teacher from Scheduled Caste whether the institution had sought permission of respondent No.4, is a question. The learned Advocate for the petitioner tried to submit that the petitioner cannot be said to be the person, who would be holding documents to that effect and only the institution can possess those documents. Here, petitioner has produced those documents also, which in the ordinary course could not have been in the custody of the petitioner. It could have been made available to him under the Right to Information Act or if the petitioner is having good relations with the appointing authority, then it could have been made available to him like other documents, which he has already produced. The fact then remains is that there was no vacancy in the institution for the post of Assistant Teacher for Scheduled Caste category and the institution without seeking permission, has published the advertisement on 10.06.2016. Further, the proposal that has been forwarded by the institution on 23.06.2025 is totally silent about issuance of two earlier advertisements with no response from the candidates of Scheduled Tribe category and then the institution had then issued the advertisement for the said post from

Scheduled Caste category. The said proposal is also silent as to why in spite of getting the petitioner allegedly resumed his duties on 01.07.2016, the proposal was not forwarded within a stipulated period. The proposal has been forwarded after about nine years. Therefore, the reason for rejection of proposal is appropriate which requires no interference. There is no merit in the petition. Hence, the writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm