



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1569 OF 2026

Vinod Thavuru Rathod And Another
VERSUS
The State Of Maharashtra Through Secretary And Others

Mr. S. B. Parnere, Advocate for petitioners
Mr. A. M. Phule, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 12th March, 2026

ORDER (PER : Hiten S. Venegavkar, J.) :-

1. Heard learned Advocate for the petitioner.
2. By present petition, petitioner challenges the impugned order of rejection dated 18.10.2024 and 24.03.2025 issued by respondent No. 3 and 2 respectively and the proposal submitted on 25.07.2024 by respondent No. 5 and 6. He further prays to direct the respondent authorities to grant approval to the petitioners from their initial date of appointment as Junior College Teachers.
3. It is the case of the petitioner that the petitioners are working since 01.07.2009 and in pursuance of Government Resolution dated 26.06.2008, the permission granting sanction to the proposals to the institution in which the petitioner has been working was granted. The

petitioners are qualified trained graduate teachers who have been appointed on the vacant and sanctioned post of the junior collage Teachers and since their date of appointment, they have been working as teachers. Respondent Nos. 5 and 6 initially has submitted the proposal dated 11.02.2009 and 25.02.2010 for approval of the appointments of the petitioners to the office of respondent No. 4 whom thereafter forwarded the same to respondent No. 3 for accord the approval. After four years of appointment, the petitioners for probationary period from 2012 to 26.04.2013, respondent No. 3 had accorded its approval for continuity in service to the petitioners by order dated 04.03.2017. The petitioners as on date has completed more than 17 years of service from the date of their initial appointments. It is the case of the petitioner that the appointment of the petitioner who have been accounted from the initial date of their employment with all consequential benefits of service and accordingly, the approval who have been accorded to the petitioners services. The petitioner further states that the respondent No. 4 by communication dated 07.10.2024, forwarded the fresh approval proposal on 25.07.2024 for the approval of the petitioner services from the initial date of appointment to the office of respondent No. 3 Divisional Deputy Director, Latur. The said approval was considered by the Divisional Deputy Director, Latur and by communication dated 18.10.2024 had rejected the fresh proposal for approval of the petitioner. The grounds on

which the order impugned in the present petition has been assailed is mainly that there is absolutely no application on mind and there are no reasons given while rejecting the proposal of the petitioners approval to the employment from the date of its initial appointment.

4. We have perused impugned order dated 18.10.2024 passed by the Divisional Deputy Director and we find that the order passed by respondent No. 3 is a cryptic order wherein the proposal of the petitioner has been rejected in one single line thereby mentioning that it is a deficiency in the proposal submitted for approval. We do not find that the authority have applied his mind to the facts that has been placed before him seeking approval to the appointment of the petitioner from the initial date of his appointment. As the order is passed without reasons and without any application of mind, we take it fit to set aside the said order dated 18.10.2024 passed by respondent No. 3 rejecting the approval proposal of the petitioner to grant approval from the date of their initial appointment. We also set aside the communication dated 24.03.2025 for the reasons that against the order dated 18.10.2024, the petitioners sought to challenge the said order by filing an appeal along with an application for condonation of delay. We find that the same authority have considered the application for condonation of delay filed by the petitioner in the appeal and have rejected the same. The settled principal

that a person cannot sit over as a appellate authority on his own order is completely violated by the communication dated 24.03.2025. Hence, communication dated 24.03.2025 is also set aside.

5. We direct respondent No. 3 to reconsider the proposal submitted for grant of approval to the petitioner's employment from the date of initial appointment afresh and decide the same within a period of four weeks from today. The issue pertaining to the backwages is to be decided by the authorities in accordance with law and on merits.

6. Writ petitions stands disposed of with the aforesaid directions. No orders as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi