



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 3220 OF 2026

VIRENDRA VIJAYSING CHAUHAN

VERSUS

THE MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

...

Mr. Tukaram Maruti Venjane, Advocate for the Petitioner

Mr. S. P. Pulkundwar, AGP for Respondent/s – State

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**CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.**

DATE : 29.04.2026

PER COURT :-

. Present petition is yet another example of the sorry state of affairs with the Education Department.

2. The petitioner came to be appointed by order dated 30.12.2025, after following due procedure of law by Shri. Sundargirji Maharaj Shikshan Prasarak Mandal, Latur, who runs Dattusinh Chauhan Prashala (Secondary), Vikram Nagar, Barshi Road, Latur, as Junior Clerk. Thereafter, the Headmaster of the school has submitted a proposal for the approval of the appointment of the petitioner on 05.01.2026 to respondent No.4. By communication dated 28.01.2026, respondent No.4 has rejected the said proposal on the ground that, in view of the letter issued by the Director of Education (Secondary and

Higher Secondary), Pune dated 28.05.2025 in respect of absorption of non-teaching staff, the proposal would not be decided until further orders are received from the said office.

3. Heard learned Advocate for the petitioner. Learned AGP waives notice for all the respondents.

4. The communication by respondent No.2 to respondent No.4 dated 28.05.2025 has been produced on record, wherein it appears that the Education Officers and other officers mentioned in the title of the letter were directed to complete the absorption of the non-teaching staff and they were directed not to pass any order in respect of approval or grant of allowances. A copy of Government Resolution dated 04.04.2025 was annexed. Here also, the petitioner has provided a copy of the said Government Resolution and we have perused the same. Here, it is to be noted that though the directions were given in the said Government Resolution, which was in fact in respect of fixing the percentage of non-teaching staff in respect of their appointment and sanctioning of posts, it has been then made corresponding to the compassionate appointment and promotion and in the said Government Resolution, no time frame has not been given but those are the directions or procedure to be adhered to. Even in the letter dated 28.05.2025, no timeline

has been prescribed. Respondent No.2 was not justified in passing any order of not to grant approval till further orders, when time limit has not been prescribed for carrying out the absorption work or promotion activities within a stipulated period. It is then surprising to note from the impugned order dated 28.01.2026 that even after a period of almost six months, the work of absorption was not complete. Rather, the impugned communication does not state that respondent No.4 had tried to get instructions from respondent No.2 as to whether the work of absorption, as contemplated by Government Resolution dated 04.04.2025 and as per the communication dated 28.05.2025 has been completed or not. When the communication dated 28.01.2026 is issued without considering or without consulting respondent No.2, then such communication deserves to be set aside.

5. Accordingly, we set aside the said communication. We direct respondent No.4 to consider the proposal on its own merits within a period of four weeks from today.

6. We dispose of the writ petition with these directions.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)