

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10162 OF 2025**

Sunil Suresh Hubale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Prashant Bhavake, for the Petitioner.

Mr. S. B. Kalel, AGP, for the Respondent-State.

Mr. Utkarsh Desai, for Respondent Nos.6 & 7.

**Coram: Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date: March 18, 2026

P.C.:

1. In the present Writ Petition, the challenge is to the Order of the Education Officer (Secondary), Zilla Parishad, Solapur dated 23rd June 2025, solely on the ground that the reliance placed by the Education Officer on communication of the Director of Education dated 28th May 2025 while rejecting the proposal, is not applicable to the case of the Petitioner and, therefore, seeks indulgence of this Court in the matter.
2. In the present case, it is pointed out by the Petitioner that, after creation of the vacancy on 26th September 2024, a communication was made to the Education Officer for grant of permission to fill up the post. However, there was no response from the Education Officer and, therefore, an advertisement was issued. Then by following due procedure of law and in pursuance of resolution of management,

Appointment Order dated 10th December 2024 was issued in favour of the Petitioner.

3. After the appointment, the proposal of Petitioner was forwarded to the Education Officer for approval on 20th May 2025. The Education Officer, in view of communication from the Director of Education dated 28th May 2025, rejected the proposal. Hence, Petitioner approached before this Court.

4. The learned AGP has strongly opposed the Petition. According to him, the appointment of the Petitioner was made during the academic session 2024-2025 and, therefore, the communication of Director of Education dated 28th May 2025 is applicable to the appointment of the Petitioner.

5. After hearing both the parties, we have perused the record and found that the appointment of the Petitioner was made by the management vide Appointment Order dated 10th December 2024 and the proposal was forwarded on 20th May 2025. Therefore, the Management, in any case, was not aware about the communication of the Director of Education, because the same was not in existence till the date of the appointment of the Petitioner in the school. The said communication came into existence on 20th May 2025. Therefore, such communication cannot be made applicable retrospectively in the matter.

6. The perusal of communication dated 28th May 2025, states that as the procedure to issue staff justification of academic session 2024-2025 is going on, therefore, unless the details of sanctioned post, surplus post, etc. are not received, till then Educational Authorities should not grant permission for fresh appointment. However, in the present case, appointment of Petitioner has already been done on 10th December 2024. Therefore, on facts also appointment of Petitioner being made before the instructions issued by Director of Education, the same is not applicable in the matter. Consequently, impugned Order does not survive in the matter.

7. In the present matter, Education Officer did not touch to the merits of proposal. According to our considered opinion, the matter is required to be remitted back to Education Officer to decide the proposal of approval of Petitioner on its own merits.

8. Hence, we passed the following Orders.

- i. The Order of rejecting approval of Petitioner dated 23rd June 2025 is hereby quashed and set aside.
- ii. Education Officer (Secondary), Zilla Parishad, Solapur is directed to decide the proposal of Petitioner dated 20th May 2025 afresh on its own merits without considering the effect of communication of Director of Education dated 28th May 2025.

iii. It is made clear that we have not expressed our opinion on the merits of proposal of approval, hence all the issues are expressly kept open except the effect of communication dated 28th May 2025.

9. The Writ Petition stands disposed of. No order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]