

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3517/2018

Nitin s/o Gopalrao Rathod Vs. State of Maharashtra and others

WITH

WRIT PETITION NO.3518/2018

Pallavi Tulshiram Ramteke Vs. State of Maharashtra and others

WITH

WRIT PETITION NO.2068/2020

Vijay Kundlik Jarhad Vs. State of Maharashtra and others

WITH

WRIT PETITION NO.2066/2020

Gajanan Vikram Kale Vs. State of Maharashtra and others

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Mr. B.G.Kulkarni, Advocate for petitioners in WPs 3517 and 3518 of 2018.

Mr. Nikhil Valesha, Advocate holding for Mr. Parchure for the petitioners in WPs.2066 and 2068 of 2020.

Mr. A.A.Madiwale, AGP for State-respondent in all petitions.

Mr. S.S.Shingane, Advocate for respondent no.6 in WPS 3517 and 3518 of 2018 and for respondent no.5 in Wps. 2066 and 2068 of 2020.

Mr. P.S.Patil, Advocate for respondent nos.5 and 7 in WPs No.3517 and 3518 of 2018.

Mr. Devdutta Deshpande, Advocate for respondent no.4 in Wps. 2066 and 2068 of 2020.

**CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.**  
**DATE : JULY 10, 2024.**

Admittedly, the petitioners' termination was set aside by the School Tribunal vide order dated 19<sup>th</sup> March, 2015. As a sequel of which, they were reinstated. The claim is for grant of approval and release of salary from the date of order which is passed by this Court.

2. The Education Officer has passed order on October 4, 2022 rejecting the prayer for approval for the following reasons:-

- “(i) Advertisement issued by the respondent society was not published in widely circulated newspaper;
- (ii) In the advertisement there is no endorsement regarding the NOC number in the advertisement;
- (iii) That the candidates were not called from Social Welfare Department and Tribal Development Department; and
- (iv) There was ban on recruitment in view of Government Resolution dated 02.05.2012 and the petitioner has failed to clear TET examination.”

3. Mr. Kulkarni, Counsel for the petitioners so also Mr. Nikhil Valesha, Counsel holding for Mr. Parchure for the petitioners submit that the cause which is cited is not germane for the purpose of rejecting the proposal for grant of approval, as could be inferred from the nature of objections raised by the Education Officer.

4. As far as the issue of vacancies against which the petitioners can be accommodated against the reserved posts is concerned, the Education Officer seeks time to submit its

response to the same, as the petitioners themselves are claiming that they were appointed against the reserved category since they are holding the validity.

5. In this background, stand over to 31<sup>st</sup> July, 2024, as prayed by the Counsel for the petitioners.

**(ABHAY J. MANTRI, J.)**

**(NITIN W. SAMBRE, J.)**