

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 2783 OF 2015**

NAMDEO RAOSAHEB DETHE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Narwade Narayan B.
AGP for Respondent/State : Smt. S.G. Chincholkar
Advocate for Respondent nos. 2 and 3 : Mr. Karpe Rahul R.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: September 03, 2015

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PER COURT :-

Heard the learned counsel appearing for the petitioner, the learned counsel appearing for Respondent Nos. 2 and 3 and the learned A.G.P. appearing for respondent no.1. With their able assistance, we have perused the pleading in the Petition, annexures thereto, averments made in the affidavit in reply filed by Respondent Nos. 2 and 3 and rejoinder affidavit filed by the petitioner.

2. Upon careful perusal of the reply filed by Respondent Nos. 2 and 3, it appears that, the petitioner did participate in selection process, in pursuant to the

advertisement dated 27.11.2014 and as a matter of fact, he was interviewed and his name is included in the list of the candidates, who appeared for the interview. It appears that, there was existing backlog of S.T., S.C. & O.B.C. category etc and in order to fill in the backlog, one Swati Kamble is appointed to teach English subject as per merit and keeping in view the roster. Since the petitioner did participate in the selection process, we are not inclined to entertain his prayer to stop the further steps initiated on the basis of the selection process. However, the learned counsel appearing for the Respondent - Management, on instructions, makes a statement that, as and when workload will be available for full time teacher to teach English subject, the Respondent-Management, keeping in view circular dated 31.01.2001, which is mentioned in the letter written by the Deputy Director of Education to the Respondent-Management, will consider the claim of the petitioner. The learned counsel further makes a statement that, both things will be kept in mind i.e. circular dated 31.01.2001 and also the fact that, the petitioner is of O.B.C. category already working as part time teacher in the Respondent institution.

3. With the above observations, the Petition stands disposed of.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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