

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

WRIT PETITION NO.4627 OF 2004

Sanjay Bhatta Patil
Age-35 Years, Occu-Service,
R/o. Lohgaon, Tq. Sindkheda,
Dist.Dhule.

..PETITIONER

VERSUS

1. The State of Maharashtra
(Through its Secretary)
School Education Department,
Mantralaya, Mumbai-32
2. The Deputy Director of Education
Nashik
3. The Education Officer (Secondary)
Zilla Parishad, Dhule
4. Ravi Kanya Shikshan Prasarak Mandal
Lohgaon, Tq. Sindkheda, Dist. Dhule
Through its Chairman
5. The Headmaster,
Ravi Kanya Madhyamik Vidyalaya
Lohgaon, Tq. Sindkheda,
Dist.Dhule.

..RESPONDENTS

Mr.U.R.Awate h/f Mr.S.B.Talekar & Ajay Pawar, Advocates
for the petitioner
Mr.S.D.Kaldate, AGP for the respondent/State
Mr.S.G.Sangle, Advocate for the respondent No.4

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.
DATED : 09.10.2015**

ORAL JUDGMENT [PER:A.V.NIRGUDE,J.]

1. The petitioner was appointed as a Peon in 1998 in the school run by respondent No.4 Society. The Petitioner's service was regularized in 2000 and approval by Education Officer (Secondary), Zilla Parishad, Dhule was also given subject to filling in backlog of backward class candidates. Thereafter, on 11.06.2004 the Education Officer (Secondary) cancelled the approval for the appointment of the petitioner on the ground that backlog of Social reservation was not filled as per roster and the process of recruitment was not followed.

2. Aggrieved by this the petitioner approached this Court by filing this writ petition and at interim stage his services were protected. 11 years have passed since then. No reply came on record to clarify as to how the petitioner's appointment was bad and affected due to failure of the management to fill up backlog of Social reservation. We are inclined to set aside the impugned order and we are inclined to dispose of this petition with direction to the Education Officer to re-consider his decision about approval to the appointment in the

light of circumstances that prevailed at the time of petitioner's appointment or such other circumstances which are relevant. The petition stands disposed of. Interim order to continue for a period of eight weeks from today.

4. In case the petitioner's appointment is not approved such order shall remain in abeyance for a period of 4 weeks.

5. Rule made absolute in above terms.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]