

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5282 OF 2015

Vilas Dattu Bhot, Aged 34 years,
Occupation Service, A/p & Tq. Akole,
District Ahmednagar

Petitioners

1

Anil Nivrutti More, Aged 35 years,
Occupation Service, Resident of Chas,
Taluka Akole, District Ahmednagar

2

V E R S U S

The State of Maharashtra, through the
Principal Secretary, School Education
Department, Mantralaya, Mumbai - 32

Respondents

1

The Education Officer [Secondary], Zilla
Parishad, Ahmednagar

2

Mula Gramin Shikshan Sanstha, A/p:
Pimpalgaon Khand, Taluka Akole, District
Ahmednagar, Through it's President
and/or Secretary

3

Mr. Shivaji T. Shelke, Advocate for the petitioners
Mr. P.J. Bharad, AGP for respondent nos.1 and 2/State
Mr. S.K. Shinde, Advocate for respondent no.3

**CORAM : A. V. NIRGUDE &
V. K. JADHAV, JJ.
DATE : 28th August, 2015**

ORAL JUDGMENT [Per: A.V. Nirgude, J.] :-

1. Heard.

2. Rule. Rule made returnable forthwith.

3. Heard the learned counsel for the parties.

4. This petition challenges order dated 2nd February, 2015, passed by the Education Officer, Secondary, Zilla Parishad, Ahmednagar, refusing approval to appointment of petitioners as Teachers of a School which is not aided one. This order appears to be contrary to the Law. On 7th January, 2015, this Court clearly held that the Government cannot insist that the reservation policy should be followed even prior to the date of application for granting aid. The Division Bench further mentioned that such insistence would be contrary to the judgment of the Supreme Court in the case of **Ashok Kumar Thakur vs. Union of India [2008] 6 SCC 1**. It appears that the impugned order was passed without paying attention to the law. Therefore, the impugned order appears to be illegal.

5. The writ petition is partly allowed in terms of following order :-

1] The impugned order is set aside.

2] The Education Officer Secondary, Zilla Parishad, Ahmednagar, is directed to re-consider the application seeking petitioners' approval in the light

of judgment, referred to above, and in the light of Government Resolution dated 27th May, 2003, within four weeks.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

SRM/28/8/15