

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6520 OF 2015

Shri Sharda Bhavan Education Society,
a duly Registered Public Trust and Society
Nanded, Through its Secretary
Shri Dattatraya Pandurang Sawant
Age 47 years, Occ. Business and
Social Service,
R/o. Shivajinagar, Nanded

...Petitioner

versus

1. The State of Maharashtra
Through the Chief Secretary
Government of Maharashtra,
Mantralaya, Mumbai 32.
2. The State of Maharashtra
Through the Chief Secretary
Higher Education Department
Government of Maharashtra,
Mantralaya, Mumbai 32.
3. The Director,
Higher Education Department
Pune
4. The Joint Director of Higher
Education, Nanded Division,
Nanded

...Respondents

...
Advocate for Petitioners : Mr. Mantri Ramesh R.
AGP for Respondents 1 to 4: Mrs. S. A. Dhumal
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 28th JULY, 2015

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.) :-

1. Rule. Rule returnable forthwith. By consent of learned counsel for the parties, heard finally.

2. The present writ petition is filed challenging communication dated 23.6.2015 thereby directing the petitioner not to fill in total posts in view of the Government Resolution dated 2.6.2015. We have heard Mr. Mantri, the learned counsel for the petitioner and the learned A.G.P. for the respondents.

3. Mr. Mantri, the learned counsel relies on the Government Resolution dated 16.7.2015, more particularly clause 4, which states that if prior to 2.6.2015 permission is sought to fill in the posts and constitute the selection committee and if the advertisement is published prior to 16.7.2015, then in such case the posts are allowed to be filled in as per the advertisement.

4. In the present case, the advertisement is issued on 17/18.4.2015. The proposal seeking permission to fill in the posts was forwarded to the Deputy Director of Education on 13.3.2015. The Deputy Director of Education has granted its no objection to fill in the posts vide communication dated 30.3.2015.

5. In the light of above, clause 4 of the Government Resolution dated 16.7.2015 would be applicable in the present case.

6. In view of the same, impugned communication is required to be set aside and it is accordingly set aside.

7. Rule made absolute in the above terms. Writ petition is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/