

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9910 OF 2014

RAVIKANT GORAKSHNATH MARBHAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Mr. Amol N. Kakade
Additional G.P. for respondent Nos. 1 and 2 : Mr. K. G. Patil
Advocate for respondent Nos. 3 and 4 : Mr. M. S. Taur

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

DATED : 4th AUGUST, 2015

P.C. :-

1. Mr. Kakade, the learned counsel for the petitioner states that the petitioner had applied pursuant to the advertisement issued by the respondent Management from Scheduled Tribe category. The petitioner was selected by the duly constituted Selection Committee. Pursuant to the appointment order, the petitioner joined. The proposal was submitted seeking approval to the appointment of the petitioner as Shikshan Sevak. However, the same is rejected on the ground that the report of the Selection Committee and the resolution of the respondent society is not annexed. The learned counsel submits that the proposal was submitted by the Management itself seeking approval to the appointment of the petitioner and the list was also given showing the

number of candidates attending the interviews.

2. The learned counsel appearing for the Management submits that complete procedure has been followed. In fact, the seats from S.T. category are going vacant. The candidates are not available. The petitioner belongs to S.T. category, as such, is selected and appointed in the said category.

3. Mr. Patil, the learned Additional Government Pleader submits that as the procedure has not been followed as laid down in the order, the Education Officer has rightly rejected the proposal.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. It is not disputed that the petitioner is otherwise eligible to be appointed as Shikshan Sevak. The post is meant for a candidate from S.T. Category. The petitioner is appointed from S.T. category and belongs to the said category. The advertisement was issued is also accepted by the Education Officer. Pursuant to the advertisement, 13 candidates appeared for the interview as per the list submitted by the Selection Committee and thereafter, the petitioner is selected. The procedure was followed.

5. In light of that, the impugned order is quashed and set aside.

The respondent Education Officer shall grant approval to the proposal submitted by the respondent Head Master seeking approval to the appointment of the petitioner as Shikshan Sevak expeditiously, and preferably within a period of three (03) months.

6. The writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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