

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

WRIT PETITION NO. 10206 OF 2014

MAROTI GANGARAM DEBEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.S. Bora
AGP for Respondents: Mr. G.K.Naik Thigle
Advocate for Respondents 3,4 : Mr. A.S. Gandhi h/f Mr.
U.B.Bilolikar

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: June 12, 2015

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PER COURT :-

1. Mr. Bora, the learned counsel for the petitioner submits that impugned order refusing approval is passed without notice and hearing to the petitioner so also without considering the Government Resolution dated 29.3.1997 which states that the reservation of VJ/NT "A,B,C and D" is internally transferable. Learned counsel submits that, even as per Education Officer, Post was reserved for VJ-A whereas the petitioner is from NT-C category. According to the learned counsel, there was no impediment to grant approval.

2. Mr. Gandhi a/w Mr. Bilolikar the learned counsel for respondents No.3 and 4 supports the arguments of the learned counsel for the petitioner.

3. Mr. Thigle, the learned AGP submits that no proper procedure is followed while transferring reservation from one

category to another. Education Officer has rightly passed the order.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The only reason given for refusing approval is that petitioner belonged to NT-C category and post was reserved for VJ-NT/A category. The Government Resolution dated 29.3.1997 is placed on record regarding internally transferable reservation of VJ/NT-A,B,C,D. Said Government Resolution, it appears that is not considered by the Deputy Director of Higher Education.

6. In light of the above, impugned order is quashed and set aside. The parties are relegated before the Deputy Director of Higher Education. The Respondent No.2 Deputy Director shall take decision on the proposal seeking approval to the appointment of the petitioner afresh and shall also consider the Government Resolution dated 29.3.1997 so also hearing the petitioner and the Management. Parties shall appear before the Deputy Director i.e. respondent No.2 on **1.7.2015**.

7. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-