

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.10476 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.R.Kolhare, advocate for the petitioner.
 Mrs.S.A.Dhumal, Asstt. Govt. Pleader for the State.
 Mr.S.R.Choukidar, advocate for Respondent No.3.

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

Date : 06.07.2015.

PER COURT :

1. Heard.
2. It is the case of the petitioner that petitioner is appointed on 15.6.2007. The approval to the appointment of the petitioner is not granted on the ground that the post was reserved for ST category and the petitioner belongs to SC category. According to the petitioner, at the relevant time the reservation was 34% as per Rule 7(9) of the MEPS Rules. As such reservation as stood at the time of appointment of the petitioner will have to be considered. According to the learned Asstt. Govt. Pleader, the appointments are to be made as per reservation. The post was reserved for ST. The petitioner does not belong to ST category, as such the order is rightly passed.

3. It is also submitted by the learned counsel for the petitioner and the Management that post of ST and SC is interchangeable.

4. There can not be any dispute with the proposition that the reservation as applicable on the date when the petitioner is appointed has to be considered. On or about 15.6.2007, the reservation as applicable was 34%, more particularly, Rule 7(9) of MEPS Rules. The said aspect has not been considered by the Education Officer while passing the impugned order. The Education Officer is also required to consider that even if the post is reserved for ST category then whether the same would be interchangeable with the SC, if no candidate from ST category candidate was not available.

5. In light of the above, the impugned order is quashed and set aside. The Education Officer shall consider the reservation as applicable on 15.6.2007 i.e. 34% while considering the case of the approval of the petitioner.

6. The parties may appear before the Education Officer on 27.7.2015. The Writ Petition is accordingly disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.07.2015.
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