

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

WRIT PETITION NO. 10633 OF 2014

Vishal Uttamrao Shinde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri K. M. Chandaliya, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 11TH FEBRUARY, 2015.

PER COURT :

. Mr. Vibhute, the learned counsel submits that, on 20th December, 2013 a candidate from S.B.C. category has already been appointed as Shikshan Sevak. There is no backlog of S.B.C. category, however, the approval of the petitioner is rejected only on the ground that there is backlog of S.B.C. category. The petitioner is appointed in the year 2011. The Education Officer has failed to consider the said aspect.

2. The learned counsel for the management submits that, on 20th December, 2013 one Mr. Pramod Gurupwar, who belongs to S.B.C. category has been appointed as Shikshan Sevak. There is

no backlog of any reserved category, even as per the roster approved by the B. C. Cell.

3. We have also heard the learned Additional Government Pleader for respondent Nos. 1 to 3, who contends that, as there was backlog of S.B.C. category the order has been rightly passed.

4. Considering the submissions made that, in December 2013 a candidate from S.B.C. category is appointed and now there is no backlog of any reserved category as per the roster approved by the B. C. Cell, the Education Officer shall reconsider the said aspect about grant of approval to the appointment of the petitioner.

5. In the light of that, the impugned order is quashed and set aside. The Education Officer shall reconsider the case put forth by the petitioner that, there is no backlog of any reserved category candidate in view of the appointments made. The petitioner and the management can appear before the Education Officer and bring all the facts to the light of the Education Officer. The Education Officer shall consider the same afresh expeditiously. The writ petition is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]