

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5151 OF 2015

[Mir Feroz Fazle Ali .vs. The Principal Secretary, School Education Department, Mantralaya, Mumbai
and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.I. Sheikh, counsel for the petitioner,
Shri D.B. Patel, AGP for the respondent nos.1 to 4.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 07, 2015.

By this petition, the petitioner challenges the order of the respondent no.2 – Deputy Director of Education, Amravati Division, Amravati permitting the appointment of teachers in the respondent no.5 – Municipal Council by considering the backlog.

In the order dated 18.3.2015, the respondent no.2 – Deputy Director of Education, observed that out of 34 sanctioned posts, 13 are filled and 21 are vacant. It is held in the order dated 18.3.2015 that out of the 21 vacant posts, 5 are reserved for the Scheduled Tribes, 1 for the Vimukta Jatis, 1 for the Nomadic Tribes, 1 for the Special Backward Classes and 4 for the Other Backward Classes. It appears from the order of the Deputy Director of Education, dated 18.3.2015 that out of 21 vacant posts, 12 are required to be filled from the candidates belonging to reserved categories, as mentioned hereinabove. In pursuance of the order dated 18.3.2015, the Municipal Council decided to advertise two posts for removing the backlog in the reserved categories. The petitioner has impugned the order dated 18.3.2015, as also the advertisement on the ground that there would be 100 % reservation in respect of the two posts that are advertised.

On hearing the learned counsel for the parties and on a

perusal of the order dated 18.3.2015, it appears that the prayer made by the petitioner is liable to be rejected. Out of 21 vacant posts, 12 are required to be filled by the reserved category candidates. Out of those 12 posts, only two are advertised by the respondent no.5 – Municipal Council and hence it cannot be said that there is 100% reservation in respect of the two posts. The posts that are required to be filled by candidates in open category would be filled after the respondent no.5 – Municipal Council initiates the process to fill the vacancies. However, the advertisement cannot be faulted with on the basis of the impugned order dated 18.3.2015, more so when there is nothing wrong in the said order mentioning the vacancies in the reserved posts.

As there is no merit in the writ petition, the same is dismissed, with no order as to costs.

JUDGE

JUDGE

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