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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10343/2015

Irfana Begum D/o Bashir Ahamad Kureshi
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri I.D.Maniyar, Advocate for the Petitioner.
Shri M.B.Bharaswadkar AGP for Respondent No.1
Shri Amol Lipne, Advocate h/f Anup Nikam Advocate for
Respondent No.2.
Shri R.K.Ingole, Advocate for Respondent No.3.
Shri A.V.HON, Advocate for Respondent no.4.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 26.09.2016

ORDER :

1] Learned counsel for the petitioner submits that the petitioner is selected as a Shikshan Sevak. The petitioner was appointed at Nanded. The petitioner was selected as a Shikshan Sevak and even was allotted the respondent no.3 – Corporation. The petitioner, pursuant to the same, approached the respondent no.3, however, was

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told that the post is meant for reserved category and the petitioner is from open category. Thereafter, the petitioner was allotted the respondent no.4 – Corporation. The petitioner approached the respondent no.4 – Corporation, however, the respondent no.4 did not allow the petitioner to join nor gave appointment order on the ground that another candidate was having one mark more than the petitioner and was considered as more meritorious. Though the petitioner was the senior-most, another candidate was accommodated. Today, there is vacancy with the respondent no.4 – Corporation, however, the petitioner is not being accommodated and is not given appointment order.

2] Learned counsel for the respondent no.4 submits that there are no posts of Shikshan Sevak vacant as on date. Two posts of Assistant Teachers are vacant, which are to be filled in by promotion of Shikshan Sevak. Thereafter, the post of Shikshan Sevak would fall vacant and thereafter only the post of Shikshan Sevak can be filled in. As at present, the Corporation has not given any promotion and, therefore, two posts of Assistant Teachers are lying vacant. Another candidate was more meritorious

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and as such was absorbed as a Shikshan Sevak on the vacant post.

3] We have considered the submissions.

4] In fact, when all are selected as Shikshan Sevak, the question would be of absorption as per seniority because everyone, whose name appears in the select list, has passed the test and is required to be considered.

5] At present, the respondent no.4 does not have any vacant post of Shikshan Sevak though two posts of Assistant Teachers are vacant. The respondent no.4 – Corporation shall take immediate steps to fill in the two posts of Assistant Teachers from the Shikshan Sevak posts and on the post falling vacant of Shikshan Sevak, the petitioner shall be accommodated.

6] The said exercise be done expeditiously and preferably within a period of four months from today.

7] With these directions, writ petition is disposed of.
No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)