

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

WRIT PETITION NO. 972 OF 2016

PREMRAJ MACHINDRANATH PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Vinod Prakash Patil, Advocate for the petitioner  
Mr.K.D.Mundhe, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &  
S.M. GAVHANE, JJ.  
DATED : 04.10.2017**

**P.C. :-**

1. Mr. Patil, learned counsel submits that there was vacancy for the post of Shikshan Sevak. The petitioner was appointed from open category. However, Management issued appointment order of part time Shikshan Sevak since 2009. Proposal forwarded by the Management seeking approval to the appointment of the petitioner is pending with the Education Officer. The same is not decided.

2. We have heard learned AGP also.

3. The appointment of the petitioner is as a part time Shikshan Sevak meaning thereby that full fledged post of Shikshan Sevak was not vacant at material point of

time. Even the Education Officer has filed the affidavit stating that there is no vacancy available for the post of Shikshan Sevak at the relevant time. It was also suggested by the Education Officer that the proposal forwarded seeking approval to the appointment of the petitioner was also not fully complied and there were deficiencies. The Management did not remove the said deficiencies also.

4. It is stated that respondent No.4 has scrutinized the proposal forwarded for seeking approval to the appointment of the petitioner as a part time Shikshan Sevak and there were some deficiencies. The Management shall make the compliance of the said deficiencies. The Education Officer shall decide the said proposal on its own merits in accordance with law. The Management shall comply with the deficiencies as pointed out to the Education Officer in his letter dated 03.12.2011 expeditiously preferably within two months. And on deficiencies being complied by the Management, the Education Officer shall decide the proposal on its own merits within a period of three months thereafter. The writ petition stands disposed of. No costs.

**[S.M. GAVHANE, J.]**

**[S.V. GANGAPURWALA, J.]**