

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

WRIT PETITION NO.4039 OF 2017

Smt.Jyoti Suresh Pokharkar
and others. ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.Shivaji T.Shelke, advocate for the
petitioners.
Mr.V.S.Badakh, A.G.P. for the State.
Mr.S.S.Wagh, advocate for Respondent No.4.

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**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 02.05.2017.

PER COURT :

1. Mr.Shelke, learned counsel submits that all these petitioners are appointed after seeking permission from the Education Officer. Petitioners Nos.1 to 6 are appointed prior to the Government Resolution dated 2.5.2012. At that time there was no ban on recruitment. Even the

Education Officer has accorded permission to advertise the post before all these petitioners are appointed, still, on the ground of Government Resolution dated 2.5.2012 the proposal seeking approval to the appointment of petitioners as Shikshan Sevak is rejected.

2. Learned A.G.P. submits that the Circular is issued on 16.1.2017 by the Commissioner, Education and so also considering the order in Writ Petition No.9076/2016 delivered at Aurangabad, the order is passed.

3. It appears that time to time the institution had sought permission from the Education Officer for filling in the posts and it is only after the Education Officer has granted permission to the institution to fill in the posts, thereafter the posts are filled in. Moreover, as far as petitioners Nos.1 to 6 are concerned, they all are appointed prior to May 2012 i.e. before the GR introducing ban on recruitment was issued. Even petitioner No.07 though appointed on 2.12.2013 for English subject

is appointed after seeking permission from the Education officer and the Education Officer has granted permission.

4. In view of the above, the impugned order is quashed and set aside. The Respondent Education Officer shall consider the proposal for approval afresh and shall not reject it on the ground of GR dated 2.5.2012, so also shall consider the permissions granted by the Education Officer from time to time for filling the posts. The petitioners may place on record the permissions granted by the Education Officer for filling in posts before the Education Officer. The petitioner may place all such documents by 15.5.2017. The Education Officer shall thereafter decide the proposal within two (2) months.

5. The Writ Petition is accordingly allowed. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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