

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

BENCH AT AURANGABAD.

WRIT PETITION NO.3768 OF 2016

Ramesh S/o Raghunath Jadhav
and others. ... Petitioners.

Versus

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

...
Mr.V.V.Deshmukh, advocate for the petitioners.
Mr.S.W.Munde, A.G.P. for the State.
Mr.S.V.Dixit, advocate for Respondent Nos.3 and
4.

...

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

Date : 25.09.2017.

PER COURT :

1. Mr.Deshmukh, learned counsel for the petitioners states that petitioner No.1 is appointed in the year 2003, petitioner No.2 in the year 2005 and petitioner No.3 in the year 2010. They are all appointed on non-teaching posts. The proposals submitted for approval are

not being considered only on the ground that as per GR dated 12.2.2015, the proposals are not to be considered. The learned counsel submits that all the appointments of petitioners are prior to 2015, as such the said GR would not apply.

2. Mr.Dixit, learned counsel for Respondent Nos.3 and 4 submits that appointment of the petitioners is after following due process of law and as per the staffing pattern, so also as per the roster.

3. Learned A.G.P. submits that as far as non-teaching posts are concerned, initially there was stay order of this Court to the Government Resolution dated 12.2.2015.

4. As submitted by the petitioners, the appointments of the petitioners are of the year 2003, 2005 and 2010 i.e. much prior to the implementation of the GR dated 12.2.2015. The staffing pattern as existing on the date of the appointment of the petitioners will have to be considered while considering the proposals for

approval to the appointment of the petitioners. In view of that GR dated 12.2.2015, would not be an impediment to consider the proposals of the petitioners.

5. The Education Officer shall consider the proposals submitted by the institution seeking approval to the appointment of the petitioners on the basis of staffing pattern as approved and existing on the date of their respective appointments. The roster also shall be considered while considering the proposals for approval. The said proposals shall be decided expeditiously, preferably within four (4) months. The petitioners are entitled to represent themselves before the Education Officer.

6. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

