

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

WRIT PETITION NO. 6795 OF 2004
WITH
CIVIL APPLICATION NO. 233 OF 2006

Miss. Paru D/o Baburao Rathod,
Age: 29 Years, Occu: Nil,
R/o. Kaudgaon Tanda, Tirthpuri Road,
Ambad. C/o. B.H. Rathod, M.S.E.B.
Officer, Ambad, Dist. Jalna.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Secretary
General Administration Department,
Mantralaya, Mumbai.
2. Director of Education,
Higher Secondary School,
Maharashtra State, Pune.
3. Dy. Director of Education,
Aurangabad Region,
Near Bansilal Nagar &
Deogiri College, Station Road,
Aurangadab.
4. President,
Grievance Committee for
Entertaining Complaints of
Shikshan Sevak, Mumbai.
5. Education Officer (Secondary),
Zilla Parishad, Jalna.
6. District Social Welfare Officer,
Jalna, Dist. Jalna.
7. Employment Exchange Officer,
Jalna, Dist. Jalna.
8. President, Shri. Sampat Bhagaji More,

- Golapangri, Shikshan Prasarak Mandal,
Golapangri, Tq. & Dist. Jalna.
9. Head Master,
Pandurang Baburao Bagal,
Nehru Vidyalaya, Golapangri,
Tq. & Dist. Jalna.
10. Secretary
Shikshan Prasarak Mandal,
Golapangri, Tq. & Dist. Jalna.
11. Radhaji S/o Murlidhar Thakare,
Age: 30 years, Occu: Service,
R/o. Deolganonraja, Dist. Buldhana
C/o. Nehru Vidyalaya, Golapangri,
Dist. Jalna.
12. Shri. Shewale,
Dy. Education Officer (Secondary),
Zilla Parishad, Jalna.

....Respondents

Mr. N.R. Solunke, Advocate for Petitioner.
Mr. S.B. Pulkundwar, AGP for Respondents/State.
Mr. Vivek Dhage, Advocate for Respondent Nos.8 to 10.
Mr. V.R. Sonwalkar Advocate for Respondent No.12.

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATED : June 21, 2017.

ORAL JUDGMENT : [PER T.V. NALAWADE, J.]

. The petition is filed for setting aside the appointment of respondent No. 11 as Assistant Teacher in Secondary School of respondent Nos. 8, 9 and 10 and for giving further directions to them to issue appointment order in favour of the petitioner on the post of Assistant Teacher. Both the sides are heard.

2. One post of Assistant Teacher was advertised by respondent school after getting permission from Education Officer (Secondary). There was a backlog of V.J. (A), N.T. (B) and O.B.C. candidates and so, in the advertisement, it was made clear that if the proper candidate of these categories was available, the post will be given to that candidate. Along with advertisement published in newspaper, attempt was made to call the candidates, who had registered with employment exchange. The name of the present petitioner was supplied by employment exchange. The petitioner belongs to V.J.(A) category, caste Lamani and it is her case that due to her caste, she was entitled to get the post. It is her further contention that she being a lady, the Government policy of reservation for ladies ought to have been followed and priority ought to have been given to her to give the appointment. The appointment was given by the Selection Committee to respondent No. 11. The petitioner had raised grievance before the President of Grievance Committee for entertaining complaints of Shikshan Sevak, Mumbai. The appeal of the petitioner was dismissed and so, she came to this Court by filing present proceeding.

3. During arguments, it was submitted by the learned counsel for petitioner that there was favouritism and respondent No. 11 was relative of respondent No. 2, Deputy Education Officer

(Secondary), Zilla Parishad and so, manipulation was done and respondent No. 11 was given the appointment. Some record like affidavit of a person who is residing at the place of respondent No. 11 is filed in support of this contention.

4. The State Government has not supported the contentions made by the petitioner and from reply affidavit, it can be said that necessary procedure was followed.

5. The record is produced to show that prior to making of appointment, reservation and roster were taken into consideration and accordingly, permission of the Education Officer was obtained for publishing the posts. In the advertisement, it was made clear that there was backlog of V.J. candidates and also O.B.C. candidates and those posts were to be filled. Admittedly, respondent No. 11 belongs to O.B.C. category. The record is produced to show that there were three vacancies of O.B.C. candidates and there were two vacancies of V.J. candidates. Not only the candidates supplied by employment exchange, but the candidates who had come to face the interview in response to the advertisement were interviewed. Sixteen candidates had appeared. The manner of assessment was fixed and the marks which were secured in degree course were considered. As per the record, respondent No. 11 had secured more marks in the academic

courses and he performed well in interview also. Thus, the overall marks of respondent No. 11 were more than that of the petitioner.

6. There was only one post published and for that permission of Education Officer was obtained. It was as per the reservation policy and the roster. The petitioner participated in the recruitment process and she has not challenged the advertisement. In view of these circumstances, it is not possible to infer that some manipulation was done and due to that, respondent No. 11 came to be selected for the post. Only on the basis of affidavit of one man that respondent No. 11 was probably relative of Deputy Education Officer, inference is not possible that he was favoured. Further, the affidavit is filed by Education Officer and the Government has denied the aforesaid allegations. In view of these circumstances, this Court holds that it is not possible to interfere in the matter and give the relief which is claimed by the petitioner. In the result, the petition stands dismissed. Civil application is disposed of. Rule stands discharged.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/