

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5783/2017

Sambhaji Nagappa Khindiwale.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

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Shri P.G.Rodge, Advocate for petitioner.

Shri S.B. Yawalkar, AGP for respondent nos.1 & 2.

Shri S.S. Deshmukh, Advocate for respondent nos.3 & 4.

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WRIT PETITION NO.5831/2016

Aadesh Sampatrao Shirole.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

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Shri S.R. Barlinge, Advocate for petitioner.

Smt.Vaishali Patil Jadhav, AGP for respondent nos.1 & 2.

Shri S.T. Shelke, Advocate for respondent no.3.

Shri S.R. Andhale, Advocate for respondent nos.4 & 5.

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CORAM: SHANTANU S. KEMKAR &

SANGITRAO S. PATIL, JJ.

DATE: 31.08.2017

ORDER :

1] We have heard learned counsel appearing for the parties and we have also perused the reply filed by the State.

2] Having gone through the averments made in these petitions, the reply and the orders on which the learned counsel for the petitioners have placed reliance in the cases of -

1] *Ashok Nilkanth Dhale v. State of Maharashtra & others (2016 (5) Mh.L.J., 742*

2] *Deepak Devidas Bhoi v. The State of Maharashtra & others in Writ Petition No.3918/2016* decided on 24.11.2016 by Division Bench at Aurangabad.

3] *Sou.Revati Kusha Wagh & another v. The State of Maharashtra & another in Writ Petition No.10580/2015* alongwith connected petitions decided on 9.3.2017 by Division Bench at Bombay;

we are of the view that the question involved in these petitions is squarely covered by the aforesaid orders.

3] In the circumstances, for the reasons stated in the above orders, we hold that the ban imposed by the Government resolution dated 2.4.2012 would not apply to the appointments of the petitioners, which were made from reserved category after following the due process of law.

- 3 -

4] In the result, the petitions are allowed in terms of prayer clause (B) in Writ Petition No.5783/2017 and in terms of prayer clause (A) in Writ Petition No.5831/2016. The respondent – Education Officer is directed to consider the proposal for appointments of the petitioners afresh, without raising the same reasons which are mentioned in the impugned communications, as expeditiously as possible, however, within a period of four weeks from today and communicate the decision to the petitioners as also to the respondent nos.3 & 4 in Writ Petition No.5783/2017 and the respondent nos.4 & 5 in Writ Petition No.5831/2016. No costs.

(SANGITRAO S. PATIL, J.)

(SHANTANU S. KEMKAR, J.)