

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8512 OF 2016

Ramrao S/o Gopalrao Aglave

Petitioner

V E R S U S

The State of Maharashtra, through
Secretary, Department of School
Education, Mantralaya, Mumbai &
three others

Respondents

Mr. V.S. Panpatte, Advocate for the petitioner

*Mr. V.S. Badakh, A.G.P. for the respondent
Nos.1 & 2/State*

Mr. S.R. Choukidar, Advocate for respondent Nos.3 & 4

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

DATE : 13th APRIL, 2017

PER COURT :

Heard the learned counsel for the parties.

2. The proposal seeking approval to the appointment of the petitioner as 'Shikshan Sevak' is rejected.

3. According to the petitioner, one post for English subject became vacant with the respondent-Institution. The respondent-Institution, on 3rd March, 2014, applied to the Education Officer (Secondary), Latur seeking permission to fill-in the said post. Thereafter, on 19th March, 2014, an advertisement was issued, and thereafter, the petitioner was appointed. The proposal was rejected on the ground that there was ban on recruitment of teachers. According to the petitioner, in Latur district, for English subject, there were no surplus teachers in English subject from the open category. The learned counsel for the petitioner relies upon the communication made by the Education Officer (Secondary) to the Deputy Director, Latur dated 16th June, 2014.

4. According to the learned A.G.P., as yet all the surplus teachers are not absorbed. The appointment

of the petitioner is against the conditions incorporated in the Government Resolution dated 6th February, 2012 and 20th June, 2014. As such, it is submitted that the approval was rightly rejected.

5. It appears that the petitioner was appointed for the English subject. We have perused the communication dated 16th June, 2014, issued by the Education Officer (Secondary) to the Deputy Director of Education, Latur which details that the Education Officer was aware of the vacancy with the respondent-Institution for English subject from the open category and he had communicated that there is no surplus candidate belonging to the open category for being absorbed for English subject. In view of the said communication and the Government Resolution dated 19th July, 2014, the impugned order deserves to be set aside.

6. In view of above, the impugned order is set aside. The Education Officer shall decide the proposal seeking approval to the appointment of the petitioner

as a 'Shikshan Sevak' afresh on its own merits and shall not reject the same on the ground that there is ban on recruitment or that same shall not be permissible in view of Government Resolutions dated 6th February, 2012 and 20th June, 2014. The proposal shall be decided expeditiously and preferably within four months from today.

7. Writ Petition is disposed of in the above terms. No costs.

(SANGITRAO S. PATIL, J.)

(S.V. GANGAPURWALA, J.)