

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

WRIT PETITION NO. 9712 OF 2016

Hanumant s/o. Gopalrao Bhalerao & Ors. .. Petitioners
Versus
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9714 OF 2016**

Laxman Gangaram Holkar & Ors. .. Petitioners
Versus
The State of Maharashtra & Ors. .. Respondents

Mr.V.S. Panpatte, Advocate for the petitioners.
Mr.S.W. Munde, AGP for respondent/State.
Mr.M.M. Patil (Beedkar), Advocate for R – 3 & 4.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 23.11.2017**

P.C. :-

1. The proposal seeking approval to the appointment of petitioners is not decided.

2. It is stated that the appointments of the petitioners are after following due selection process. In Writ Petition No.9712 of 2016 petitioner Nos.1 and 3 belong to open competition category, petitioner Nos.2 and 4 belong to scheduled castes category and petitioner No.5 belongs to scheduled tribes category. They are appointed

after advertisement. Sanction was sought by the Management to fill in the posts. No response was received for considerable long time. Thereafter, advertisement was issued.

3. Similar is the case in Writ Petition No.9714 of 2016. Petitioner Nos.1 and 3 are appointed from open competition category and petitioner No. 2 is appointed from scheduled castes category. Petitioner No.3 is appointed to teach Science subject.

4. Ban on recruitment would not apply to the appointments made for reserved posts and also for teaching Maths and Science subjects.

5. We have heard learned Counsel for the respective parties and learned AGP.

6. Ban on recruitment certainly would not apply to the appointments made for the reserved posts and also appointments made to teach Maths and Science subjects.

7. It appears that the Management has intimated the Education Officer of the vacancies being created. Reminders were also issued and thereafter advertisements are given. No response was received from the Education

Officer. It is stated that even surplus candidates were never forwarded to be absorbed to the respondent institution for these years.

8. Considering the above, we pass following order:-

9. The respondent - Education Officer shall decide proposal seeking approval to the appointments of the petitioners expeditiously on its own merits, preferably within four months. The proposals shall not be rejected on the ground that there was ban on recruitment. The Education Officer shall verify the roster. After considering that the appointments are made as per roster, he shall consider the proposal seeking approval to the appointments of the petitioners.

10. The writ petitions are accordingly disposed of.
No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]