

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

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.11784 OF 2017**

Deepak S/o Narayanrao  
Gore and another. ... Petitioners.

Versus

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

...

Mr.V.P.Golewar, advocate for the petitioners.  
Mr.C.S.Kulkarni, A.G.P. for the State  
Mr.V.S.Panpatte, advocate for Respondent No.2.

...

**CORAM : S.V.GANGAPURWALA AND  
V.L.ACHLIYA, JJ.**

**Date : 19.12.2017.**

**PER COURT :**

1. The petitioners assail the order rejecting approval to their appointments.

2. Mr.Golewar, learned counsel submits that petitioners belong to NTD and NTC category. They were appointed after following due selection

process on 1.1.2015 and 11.2.2015. The learned counsel submits that ban on recruitment would not apply to fill in the backlog of reserved category. The learned counsel submits that even no surplus candidates were sent for absorption in all these years, still the approval is rejected on that ground.

3. Mr.Panpatte, learned counsel for the Respondent submits that the Education Officer has considered all the aspects and has passed the order.

4. In number of matters it has been held that ban on recruitment may not apply to appointment of reserved category candidates. The petitioners are appointed from NTD and NTC category.

5. It appears that the institution had given application to the Management on 12.10.2014 for filling in the vacant post, so also another application on 3.11.2014 for filling in vacant post but no response is received by the Education

Officer and after two months, the advertisement was issued.

6. It is also stated by the Petitioners that for all these years, the Education Officer had never sent any surplus candidate to the Respondent-institution for absorption.

7. Considering above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal submitted by the petitioners seeking approval to their appointment afresh expeditiously, preferably within four (4) months. The Education Officer shall not reject the application on the ground on which the impugned order was passed.

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

**(V.L.ACHLIYA, J.)**

**(S.V.GANGAPURWALA, J.)**



