

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

50 WRIT PETITION NO. 10456 OF 2016

HEMLATA HIRALAL PARDESHI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. U.R. Awate h/f. Talekar And Associates  
AGP for Respondents: Mrs. R.P. Gour  
Advocate for Respondents : Mr. R.H. Mewara h/f. N.E. Deshmukh

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**CORAM : S.V. GANGAPURWALA &  
MANGESH S. PATIL, JJ.**  
**DATE : 20.09.2017**

**P.C. :-**

. The petitioner was appointed as a 'Shikshan Sevak' on 17.06.2013. The proposal seeking approval to the appointment of the petitioner as a 'Shikshan Sevak' is rejected.

2. Mr. Awate, the learned counsel submits that the petitioner belongs to N.T. (C) category. The petitioner has the validity certificate to that effect. The ban on recruitment does not apply to the reserved category candidate as is held by the Division Bench of this Court under order dated 09.03.2017 in writ petition no. 10580/2015. Reference can also be made to the Government resolution dated 21.08.2013.

3. The learned A.G.P. submits that, as there was ban on recruitment, the institution could not appoint the petitioner as there is

large backlog of surplus candidates to be filled in. Moreover, the proposal was not accompanied by the approved roster and the work load available.

4. We have considered the submissions. Considering, the Government resolution dated 21.08.2013, the permission was granted to fill in the back log. The petitioner belongs to N.T. (C) category, the said post is reserved post. In view of that the proposal could not have been rejected on the ground that there was ban on recruitment. It is submitted that the institution had forwarded the roster also.

5. Considering the above, the impugned order is quashed and set aside. The Respondent-Education Officer shall consider the proposal seeking approval to the appointment of petitioner as a Shikshan Sevak afresh on its own merits and shall not reject it on the ground that there was ban on recruitment. In case the approved roster and the work load is not available with the Education Officer, then, the institution may forward the same to the Education Officer once again. The Education officer shall decide the said proposal expeditiously and preferably within four months. Writ petition accordingly disposed of. No costs.

**[MANGESH S. PATIL, J.]**

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**[S.V. GANGAPURWALA, J.]**