

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

9933 WRIT PETITION NO. 11664 OF 2016

PRAMOD DEELIP KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S.V. Natu
AGP for Respondents 1 : Mrs. V.N. Patil/Jadhav
Advocate for respondent 2 : Mr. S.T. Shelke
Advocate for Respondents 3 & 4 : Mr. P.V. Jadhavar h/f. Mr. S.V.
Dixit

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**CORAM : SHANTANU S. KEMKAR &
N.W. SAMBRE, JJ.**

DATED : August 10, 2017.

PER COURT :

. With the consent of learned counsel for parties heard finally.

2. Challenging the letters dated 11.6.2012 and 15.10.2016 issued by respondent No. 2 rejecting the proposal of approval to the appointment of the petitioner as 'Shikshan Sevak' with effect from 11.11.2011, the petitioner has filed this petition.

3. According to the impugned orders, the proposal was rejected on the ground that the petitioner's appointment is not

as per the roster and no prior permission of the Education Department was taken.

4. According to the petitioner, respondent Nos. 4 and 5 have given an undertaking to the effect that they shall follow roster and as regards prior permission for issuance of advertisement, it is the case of the petitioner that four other similarly placed employees whose appointments have been approved were appointed on the basis of the same advertisement. According to petitioner, in view of aforesaid circumstance the petitioner cannot be treated differently.

5. Having considered the aforesaid submissions and having gone through the reply filed by respondent No. 2 we are inclined to dispose of the petition by directing respondent No. 2 to reconsider the petitioner's claim afresh without being influenced by the impugned order and as also stand taken in the reply of respondent No. 2.

6. While deciding the matter afresh, respondent No. 2 shall consider the undertaking which respondent Nos. 3 and 4 are willing to give that they shall follow the roster and also to

consider that when the appointments of other four similarly placed Shikshan Sevaks have already been approved, why the petitioner cannot be treated similarly.

7. Let the decision as aforesaid be taken by respondent No. 2 within three months from the date of receipt of copy of this order.

8. With the aforesaid directions, the petition is disposed of.

[N.W. SAMBRE, J.]

[SHANTANU S. KEMKAR, J.]

ssc/