

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

WRIT PETITION NO. 2986 OF 2016

DEEPALI RAMESH CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Pramod Gaikwad, Advocate h/f Mr. A.G.Talhar, Advocate
for the petitioner

Mr.P.S.Patil, AGP for the respondent/State

Mr.B.S.Deshmukh, Advocate for the respondent No. 3 to 5

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

DATED : 28.11.2017

P.C. :-

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

2. Learned counsel for the petitioner submits that after following due selection process the petitioner was appointed as a 'Shikshan Sevak' from the reserved OBC category, same was pursuant to the advertisement. According to the learned counsel as per the verified roster also one post from OBC category was vacant. Mr.Deshmukh, Advocate appearing for the Management submits that after following due selection process the petitioner was selected as a 'Shikshan Sevak'. The Institution could not get the eligible and competent

persons from ST category. The undertaking is also given to the Education Officer that the backlog from the ST category would be filled in.

3. Learned AGP submits that the Management was given permission to fill in the post from ST category. During relevant period as there was ban on recruitment, surplus candidates were required to be absorbed the Management could not appoint the petitioner. The proposal for approval is rightly rejected.

4. It is not disputed that petitioner is appointed as a 'Shikshan Sevak' for the post of Shikshan Sevak from OBC category and petitioner belongs to Other Backward Category and the ban on recruitment as contemplated under G.R. dated 02.05.2012 would not apply for filling the post of reserved category.

5. It appears that after advertisement was given the petitioner was selected. The Management has also given undertaking that they have filled in backlog of ST category. Considering the above, we pass the following order.

ORDER

i. The impugned order is quashed and set aside.

ii. The Education Officer shall re-consider the proposal seeking approval to the appointment of petitioner afresh after going through the verified roster and shall not reject the proposal on the count that there was ban on recruitment or surplus candidates were required to be absorbed or that permission was not obtained. So also, shall not reject the proposal on the ground that there was backlog of ST category candidates.

iii. The decision shall be taken expeditiously after verifying the roster preferably within four months.

iv. The writ petition stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]