

CORAM : B. R. GAVAI, &
MANISH PITALE, JJ.

DATE : DECEMBER 4, 2017

ORAL JUDGMENT : [PER : B. R. GAVAI, J.]

1. Heard. Rule. Rule is made returnable forthwith. Learned AGP waives service of notice for Respondent No. 1 in both the petitions. By consent of parties, both the petitions are taken up for final hearing.

2. By way of present petitions, the Petitioner in respective petitions have challenged the orders passed by the Education Officer, thereby withdrawing the approval granted to their appointment as Shikshan Sevak.

3. The Petitioners in response to the advertisement issued by the Management applied for the post of Shikshan Sevak. After they were found to be meritorious, they were appointed in the year 2013 and the approval was granted to them as Shikshan Sevak. However, subsequently on the basis of the complaint by the intervenor in Writ Petition No. 2586 of 2017, the approval came to be withdrawn. The withdrawal of approval is on the ground that the advertisements were published in the newspaper, which was not on the list of Governemnt

recognised newspapers.

4. We find that the Additional Commissioner, Tribal Development, Nashik Region, Nashik has erred in entertaining the complaint of a party, who claims to be a rival in the management. No doubt that if a party, who had been deprived of participating in the selection process on account of advertisements not being widely published, the Respondents could have been justified in entertaining the complaint. However, Respondent No. 1 could not have entertained the complaint of a rival in the management. It is nobody's case that the Petitioners do not possess requisite qualification. In that view of the matter, the order impugned in both the petitions is quashed and set aside, and Rule is made absolute in terms of prayer clause (a) in both the petitions.

5. Needless to state that consequence shall follow i.e. upon completion of three years tenure as Shikshan Sevak, Petitioner in both the petitions is entitled to the arrears of salary, which shall be paid to them within a period of three months.

6. In view of disposal of both the petitions, Civil

Application Nos. 2662 of 20017 and 2825 of 2017 filed in the respective petition for intervention do not survive, and are accordingly disposed of.

Sd/-
[MANISH PITALE, J.]

Vinayak Halemath

Sd/-
[B. R. GAVAI, J.]