

hvn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2805 OF 2015

Shri Santosh Laxman Jadhav and Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr.N.V. Bandiwadekar i/by Mr.Sagar Mane for the petitioners.

Ms. R.M. Shinde, AGP for R. No. 1 State.

Mr.Sunil Sawant, Education Officer, Raigad present.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.
DATED : FEBRUARY 13, 2017.**

P.C.

Parties through their counsel.

2. Petitioners claim that petitioner no. 1 was appointed with effect from 2.4.2012 Exh. G and the petitioner no. 2 was appointed with effect from 3.4.2012 Exh. H. It is the case of the petitioners that in view of the fact that they were appointed prior to 2.5.2012, on which date vide Government Resolution, a ban was imposed on new recruitments their case is covered by the Division Bench Judgment of this Court in the case of Dadasheb Govindrao Shinde Vs. State of Maharashtra, 2016 (5) Mh.L.J. 480. In the circumstances, according to learned counsel for the petitioners,

impugned order dated 10.7.2013 Exh. P by which approval to the appointment of the petitioners appointments has been rejected on the ground that their appointments cannot be approved in view of the GR dated 2.5.2012 is liable to be quashed. He also submits that the petitioners belong to reserved category and their appointments were made to fill the backlog of reservation.

3. On the other hand, learned AGP has opposed the prayer made in the petition.

4. We have gone through the averments made in the petition, the orders of appointment and the impugned order.

5. Having gone through the same, we find that the petitioner's case has been fully covered by the judgment of the Division Bench of this Court in the case of Dadasaheb Shinde (supra). In paragraph 10 of the judgment passed by the Division Bench, the Division Bench relying on earlier Division Bench orders of this court in the case of Sushil Waghmare Vs. State of Maharashtra and Ors. in WP No. 8893 of 2015 decided on 27.4.2016 and in the case of Gajanan Valmik Chavan Vs. State of Maharashtra and Ors. in WP No. 11868 of 2015 has observed thus :

“10. This Court while considering somewhat similar controversy in the case of Sushil s/o. Rangnath Waghmare (supra) in paragraphs 6 and 7, has discussed about the relevant Government Resolutions granting

exemption to the institutions from filling up the backlog of the posts from the reserved category. After taking into consideration the relevant Government Resolutions, this Court, in the afore-stated case, reached to the conclusion that if the appointments are made prior to the issuance of Government Resolution dated 02.05.2012, the said Government Resolution dated would not apply to such cases. Therefore, for the reasons assigned in paragraph 6 in the case of Sushil s/o. Rangnath Waghmare (supra) and paragraph 6 in the case of Gajanan s/o. Valmik Chavan (supra), we are of the opinion that the controversy involved in this petition is squarely covered. Therefore, in the light of the discussion herein-above, the reasons assigned in the impugned communication cannot sustain.”

6. Keeping in view the aforesaid, we find that the question involved in this case has been covered by the said judgment. In the circumstances, we quash the impugned order dated 10.7.2013 Exh. P and allow this petition in terms of prayer clause (b). There shall be no orders as to costs.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)