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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition (St) No. 20881 of 2017

Miss Suryavanshi Sarita Raman & Ors. ... Petitioners
Versus
The State Of Maharashtra ,
Through The Secretary & Ors. ... Respondents

Mr. N. V. Bandiwadekar i/b M. G. Bagkar, for the Petitioners.
Mr. N. V. Sagare, AGP for the Respondent - State.

CORAM : B. R. GAVAI, &
RIYAZ I. CHAGLA, JJ.

DATE : AUGUST 1, 2017

PC.

1. Rule. Rule made returnable forthwith. Learned AGP waives service of notice for the Respondent - State. By consent of parties, petition is taken up for final hearing.

2. A limited grievance raised in the petition is that though Petitioner No. 3 has submitted a proposal to the Respondent No. 2 with regard to grant of approval of Petitioner Nos. 1 and 2 as an Assistant Teachers, the same is not yet decided.

3. The learned counsel appearing on behalf of the Petitioners submits that since Petitioners are appointed to fill in the posts of reserved category candidates, the ban on recruitment could not be applicable to their appointments, in the light of the view taken by the Division Bench of this Court in group of petitions, lead petition being Writ Petition No. 8587 of 2016 by an order dated 10th July, 2017.

4. Taking into consideration innocuous nature of the prayer, we are inclined to allow the petition with a direction to Respondent No. 2 to decide the proposal submitted by Respondent No. 3, as expeditiously as possible, and in any case, within a period of four weeks from today. Needless to state that while deciding the proposal of Petitioner No. 3, Respondent No. 2 shall take into consideration the judgment of this Court in Writ Petition No. 8587 of 2016 dated 10th July, 2017.

5. It is further directed that until the proposal is decided by Respondent No. 2, he shall not send the surplus teachers to occupy the posts of Assistant Teachers, which are occupied by Petitioner Nos. 1 and 2.

6. Rule is made absolute in the aforesaid terms with no orders as to costs. Writ petition is accordingly disposed of.

Sd/-
[RIYAZ I. CHAGLA, J.]

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

Vinayak Halemath