

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 4229/2017.

Shivari Education Society, Yavatmal and otehrs -**VERSUS**- State of Maharashtra and others.

WRIT PETITION No. 4230/2017.

Gramin Janta Vikas Mandal, Yavatmal and others -**VERSUS**- State of Maharashtra and others.

WRIT PETITION No. 4231/2017.

Patanbori Education Society, Yavatmal and others . -**VERSUS**- State of Maharashtra and others.

WRIT PETITION No. 4232/2017.

Janseva Mandal, Yavatmal and others . -**VERSUS**- State of Maharashtra and others.

WRIT PETITION No. 4233/2017.

Pattiwar Shikshan Prasarak Mandal, Yavatmal and others -**VERSUS**- State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : NOVEMBER 10, 2017.

Heard Shri A. Parchure, learned counsel
for petitioners and Shri V.P. Maldhure, learned A.G.P.
for respondents.

2. Learned A.G.P. is seeking time to obtain
instructions. Request is opposed by learned counsel
for petitioner. He submits that this Court has issued
notice on 05.07.2017, and interim orders are

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operating. According to him, as held by this Court in various matters, Education Officer cannot review his own orders, passed earlier.

3. Learned A.G.P. submits that in present matters there is no review.

4. Perusal of the impugned order dated 12.05.2017 reveals that the Education Officer has not approved recruitment of petitioners on the ground that the advertisement was published in violation of the conditions of orders dated 30.07.2014.

5. Facts show that permission was sought by moving proposal dated 21.06.2013 and it has been allowed on 30.07.2014. The condition imposed is 100 point roster should be adhered to.

6. Petitioners have published advertisement on 31.07.2014 and in it, they have advertised the posts of Shikshan Sevak and junior clerk. In present matters, we are concerned with post of junior clerk. Both these posts are shown in open category. Advertisement mentions that recruitment is as per 100 point roster. In the impugned order, it is mentioned that while granting permission as per condition no.2,

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petitioners were to fill in backlog as per the report of Backlog Cell. In impugned order, reason given is before publishing advertisement petitioner did not get the roaster point approved/cleared from the office of the Additional Commissioner, Backward Cell. There are certain other lacunae pointed out.

7. It is therefore, apparent that the impugned order cannot be termed as one reviewing the permission granted on 30.07.2014. On the contrary, it finds lacunae while implementing that permission.

8. However, only finding in the impugned order is roaster point was not approved by the backward cell. Whether any backlog existed is not clear and there is no such finding.

9. In judgment delivered by this Court, we find that such a conditional permission to recruit cannot be given and then interest of new recruits crystallizing thereafter cannot be allowed to be disturbed.

10. In this situation, we quash and set aside the impugned order dated 12.05.2017.

11. We direct respondents to find out factual

violation or injury, if any, caused in the process of recruitment resorted to by petitioner nos. 1 and 2. This enquiry shall be completed within a period of three months. Interim orders already operating shall continue and shall be subject to it.

12. With this direction, we partly allow Writ Petitions and dispose of the same. No cost.

JUDGE

JUDGE

Rgd.