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

WRIT PETITION NO.1758 OF 2017

Kiran D/o Pundlikrao Jadhav,
Age: 30 years, Occu: Service,
R/o. Shivshankar Colony,
Aurangabad, Tq. & Dist. Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32
2. The Commissioner for Education,
Maharashtra State,
Senapati Bapat Marg,
Pune-1
3. Deputy Director of Education,
Aurangabad Division, Aurangabad
4. The Education Officer (Secondary),
Zilla Parishad, Aurangabad
5. Sub-urban Education Society,
Shivshankar Colony,
Aurangabad, through its Secretary
6. The Head Mistress,
Sanskar Probodhini Girls School,
Shivshankar Colony,
Aurangabad

..RESPONDENTS

Mr S. R. Choukidar, Advocate holding for Mr V. S. Panpatte, Advocate for petitioner;
Smt. G. L. Deshpande, A.G.P. for respondent Nos.1 to 4;
Mr V. L. Salgare, Advocate for respondent No.6

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**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 14th December, 2018

ORAL ORDER:

Heard Mr Choukidar, learned Counsel appearing on behalf of the petitioner, learned Asstt. Govt. Pleader appearing for respondent Nos.1 to 4 and Mr Salgare, learned Counsel appearing for respondent No.6.

2. Mr Choukidar, at the outset, fairly submitted before us that that initially, the petitioner prayed for the reliefs, namely, prayer clauses (B), (C) and (D). On the backdrop of his appointment in the year 2012, the petitioner is now not pressing these prayers and the only prayer the petitioner is submitting before this Court is that the proposal dated 18th January, 2016, submitted by the Education Officer (Secondary), Zilla Parishad, Aurangabad, which is pending before the authority, namely, the Commissioner, be decided expeditiously.

3. Mr Choukidar, learned Counsel then submitted that the petitioner is belonging to Scheduled Castes category and in response to the advertisement dated 16th February, 2013 submitted his claim for consideration and he was appointed by an order dated 25th March, 2013 as a 'Shikshan Sevak', as such, the respondents- authorities may not insist for rejection of the proposal on the ground that the appointment of the petitioner

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was in ban period or while banning the petitioner, the institute has failed to absorb the excess teachers. He then submitted that this ground is raised in view of the decision of the Division Bench of this Court at Principal Seat in Writ Petition No.8587 of 2016 and other connected petitions decided on 9th March, 2017 (Coram: B. R. Gavai and Riyaz I. Chagla, JJ), as such, the petitioner would fall in category (C) and the rider of appointment of the petitioner in banning period would not be applicable.

4. Learned Asstt. Govt. Pleader, on instructions, submitted that the proposal dated 18th January, 2018 would be considered on its merits and the authorities would not insist these grounds, namely, the ground of appointment in banned period and non filling up or non absorbing the excess teachers. The authorities may consider other grounds while assessing the proposal on its merits and would take appropriate decision.

5. Accepting this statement made by learned Asstt. Govt. Pleader, the petition is disposed of. We direct respondent No.2 to decide the proposal dated 18th January, 2016, as expeditiously as possible and not later than ten weeks from the date of the order of this Court and if the proposal is decided positively in favour of the petitioner, respondent No.4 to take further action in the matter.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)