

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

WRIT PETITION NO. 2069 OF 2017

The President, Shri Jagmitranaga
Shikshan Sanstha, Jalalpur, Beed
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2070 OF 2017

The President, Shri Jagmitranaga
Shikshan Sanstha, Jalalpur, Beed
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2071 OF 2017

The President, Shri Jagmitranaga
Shikshan Sanstha, Jalalpur, Beed
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Subhash S. Mundhe, Advocate for Petitioners in all matters.
Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 and 2 in
all matters.

Shri Arun V. Rakh, Advocate for the Respondent No. 3 in all
matters.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.
DATE : 08TH MARCH, 2018.**

FINAL ORDER :

. In all these matters proposals seeking approval to appointments of the petitioner No. 2 as Shikshan Sevak are rejected.

2. Earlier to the impugned orders, proposals of petitioner No. 2 were also rejected under the orders of the Education Officer. The same were assailed by filing writ petitions before this Court. This Court allowed the writ petitions and directed the Education Officer to decide the proposals afresh and the Education Officer shall not reject it on the ground that prior permission was not obtained.

3. Now the proposals are rejected on the ground that required posts are not available.

4. The staffing pattern for the academic year 2012 - 2013 is placed on record, which shows that, there are nineteen posts. Even as per the impugned orders, there were seventeen posts available for the academic year 2012 - 2013 and for the academic year 2013 - 2014 there were sixteen sanctioned posts. The Education Officer considered the availability of the posts on the date of the

orders passed by this Court in earlier writ petitions. In fact, the Education Officer is required to consider availability of the posts as on the date the petitioners are appointed. The reliance is also placed on the Government Resolution dated 10.06.2005 with regard to the scheme for absorption of surplus shikshan sevaks. The same would be considered by the authority.

5. In the result, the impugned orders are quashed and set aside. The Education officer (Secondary), Zilla Parishad, Beed shall consider the proposals seeking approval to appointments of petitioner No. 2 as Shikshan Sevaks considering availability of posts as on the date the petitioners were appointed and if, subsequently the posts are reduced shall take further steps in accordance with the Government Resolution dated 10.06.2005. The same shall be done expeditiously and preferably within a period of four (04) months from today. The writ petitions are disposed of. No costs.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]