

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO.2095 OF 2018**

Ramling s/o Janardhan Nagtilak

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. S.B. Bhosale advocate for the petitioner

Mr. S.S. Dande for Respondent State

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CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: April 2nd, 2018)

**PER COURT :-**

1 The proposal tendered by the institution, seeking approval to the appointment of the petitioner has been turned down by the Education Officer in view of the order passed on 17.10.2016.

2 It is the contention of the petitioner that he was appointed on 20.6.2005 in observance of the procedure prescribed for making appointment.

3 The Education Officer, in the order impugned, has recorded that on the date on which the petitioner was appointed, the post of peon was not available. One Mr. Suryawanshi was occupying the post and according to the institution, he tendered resignation

on 03.7.2017 and the post became available thereafter.

4 The claim of the petitioner of his entitlement on the post which was already occupied, cannot be accepted. Apart from this, it is recorded in the order that there are certain interpolations in the seniority list of candidates interviewed, prepared by the institution. It is also recorded in the impugned order that the Deputy Education Officer had visited the school on 4.6.2009 and tendered inspection report, wherein, it has been recorded that Mr. Suryawanshi has not at all tendered resignation.

5 The contention of the institution that the post occupied by the petitioner is vacant since 2005 appears to be incorrect. The petitioner, in the alternative contends that his claim for grant of approval can be considered after 1.8.2010<sup>7</sup> and necessary directions be issued in that regard.

6 It must be noted that the petitioner claims to have been appointed in observance of the procedure i.e. after conducting interview on 11.5.2005. The record pertaining to making appointment of the petitioner by the institution is contradictory. One list prepared by the institution records that there were three candidates present for interview, whereas another list represents

that there were four candidates present. It is also recorded in the affidavit that the proposal tendered by the institution seeking approval to the appointment is not legally sustainable. The petitioner also does not possess the caste validity certificate and according to him, the proposal in that regard is pending with the competent authority.

7 For the reasons recorded above, we do not find that the decision rendered by the Education Officer is either erroneous or illegal. The petition is devoid of substance and hence stands dismissed.

**(K.K. SONAWANE, J)**

**( R.M. BORDE, J )**

vbd