

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

WRIT PETITION NO. 2370 OF 2015

Subhash Nagorao Gawande

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mr. V.S. Kodale, Advocate h/f Mr. V.D. Gunale, Advocate for petitioner.
Mrs. M.A. Deshpande, A.G.P. for respondent – State.
Mr. G.P. Shinde, Advocate for Respondent nos. 4 and 5.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 06th DECEMBER, 2018

ORDER :

It is the contention of the petitioner that approval for the appointment of Respondent no. 6 was granted subject to submitting the caste validity certificates. It is the contention of the petitioner that Respondent no. 6 is appointed from reserved category. The caste claim of Respondent no.6 is invalidated by the Scrutiny Committee and the order of the Scrutiny Committee has been confirmed by this Court by order dated 15th March, 2010 passed in Writ Petition no. 1000 of 2009 filed by Respondent no.6. The learned Counsel for the petitioner submits that illegal resolution is passed by the institution to continue the services of

Respondent no.6. Representations are given to the Educational Officer but no action has been taken.

2. The learned Counsel for Respondent nos. 4 and 6 submits that such resolution has been legitimately passed by the institution. Respondent no.6 is qualified and is rightly continued in service. No fraud is played by Respondent no.6. It is only because of inadequacy of the evidence, the caste claim could not be proved.

3. We have considered the submissions. This Court, while dismissing Writ Petition No. 1000 of 2009 filed by Respondent no.6, did not grant any service protection. It is for the Education Officer being superior authority to consider the relevant aspects of the matter. The petitioner has already approached the Education Officer. The petitioner may file a comprehensive representation with the Education Officer. Upon the representation being filed, the Education Officer shall take appropriate decision with regard to the approval of Respondent no.6 afresh after hearing all the parties concerned expeditiously. Writ petition accordingly disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD