

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

WRIT PETITION NO. 5643 OF 2017

Surekha Marutirao Diggikar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr.R.D.Biradar, Advocate for Petitioner

Mr.S.G. Karlekar, A.G.P. for Respondent Nos. 1 and 2

Mr.Shaikh Shakil Usman, Advocate for Respondent No.4 and 5

Respondent No.3 served

**CORAM : S.V.GANGAPURWALA AND
A.M.DHAVAL, JJ.**

DATE: APRIL 26, 2018

PER COURT :

1. The petitioner claims to have been appointed as an Assistant Teacher under appointment order dated 15.06.2012 from Scheduled Caste category. According to the petitioner, he also possesses the validity certificate. The proposal seeking approval to the appointment of the petitioner is rejected on the ground that there are surplus candidates available.

2. We have heard the learned A.G.P. also.

3. The Government Resolution dated 2nd May, 2012 may not apply to a candidate from Scheduled Caste category.

4. Even the recent Government Resolution is issued with regard to section 5 of the Maharashtra Employees Private Schools (Conditions of Service) Act. The Education Officer will have to consider the same.

5. In light of the above, the impugned order is quashed and set aside. The Education Officer shall consider the proposal seeking approval to the appointment of the petitioner afresh on its own merits in accordance with law. Of course, the Education Officer shall reconsider the advertisement given and the appointment made is in accordance with law. However, shall not refuse the approval on the ground that the surplus candidates are available. The same shall be decided expeditiously and preferably within a period of four months.

6. The writ petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)