

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

WRIT PETITION NO. 8734 OF 2017

Sanskrutik Mandal Nimbhora
Through its President
R. N. Dhake and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. G. Talhar, Advocate for Petitioners.
Mrs. M. A. Deshpande, A.G.P. for the Respondent No. 1 and 2.

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

DATE : 08TH MARCH, 2018.

FINAL ORDER :

. The proposal seeking approval to the appointment of the petitioner as Shikshan Sevak in science subject is rejected.

2. The main contention appears to be that, the institution had filed application seeking permission to fill in the post on 23.07.2012. The same was negatived by the Education Officer on 26.07.2012, however, surplus candidates were never sent to the institution. Thereafter institution advertised the post on 14.06.2013 and the proposal is rejected on the ground that permission was not obtained prior to the filling in the post.

3. The post was for science subject. We had asked the learned Additional Government Pleader to take instructions whether any surplus candidate was sent to the petitioner/institution. It is submitted that, for the period of one year no surplus candidate was sent to the institution for absorption.

4. The post could not have remained vacant for considerable long period.

5. Considering the above, the impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the appointment of the petitioner as Shikshan Sevak in science subject afresh, in accordance with law and shall not reject it on the ground that the permission to fill in the post was not obtained. The same shall be decided expeditiously and preferably within a period of four (04) months from today. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]