

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

WRIT PETITION NO. 8984 OF 2017

Sarika Vishwanath Kuber & Anr.

... Petitioners

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr Ashutosh Kulkarni, Advocate for the petitioner
Mr A. V. Deshmukh, AGP for respondent/State
.....

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

DATE : 20TH FEBRUARY, 2018.

ORDER:

1. The proposal seeking approval to the appointment of the petitioners as Shikshan Sevak is rejected basically on the ground that the posts are reduced.

2. The petitioners claim to have been appointed on 27.10.2015 after following due selection process. The case of the Education Officer is that, subsequently for the academic year 2016-17, the posts have been reduced.

3. The Education Officer is required to consider the availability of the posts as on the date of the appointment of the petitioners and the Education Officer may grant approval for the period the posts were available. This Court under its order dt. 20.03.2017 in Writ Petition No. 781 of 2017 had held that the application was given by the Institution seeking permission to fill in the posts. The approval should not be rejected on the same ground.

4. Considering the above, the impugned order is quashed and set aside. In case, all other parameters were fulfilled while appointing the petitioners and subsequently the posts are reduced, the Education Officer may grant approval for the period the posts were available. The same shall be done expeditiously, preferably within four months from today.

5. The writ petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde