

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9351 OF 2017

Prajakta Subhash Deore and others .. **Petitioners**
Versus
The State of Maharashtra and others .. **Respondents**

Shri V. S. Panpatte, Advocate for Petitioners.
Shri R. V. Dasalkar, A.G.P. for Respondent Nos. 1 to 4.
Shri Irfan D. Maniyar and Shri S. T. Shelke, Advocate for
Respondent Nos. 5 to 7.

WITH

WRIT PETITION NO. 9356 OF 2017

Satish Magan Thakare .. **Petitioner**
Versus
The State of Maharashtra and others .. **Respondents**

Shri V. S. Panpatte, Advocate for Petitioners.
Shri R. V. Dasalkar, A.G.P. for Respondent Nos. 1 to 4.
Shri Irfan D. Maniyar, Advocate for Respondent Nos. 5 and 6.

WITH

WRIT PETITION NO. 9400 OF 2017

Dilip Sukhdev Pawar .. **Petitioner**
Versus
The State of Maharashtra and others .. **Respondents**

Shri V. S. Panpatte, Advocate for Petitioners.
Shri R. V. Dasalkar, A.G.P. for Respondent Nos. 1 to 4.
Shri Irfan D. Maniyar, Advocate for Respondent Nos. 5 and 6.

WITH**WRIT PETITION NO. 9547 OF 2017**

Yogesh Ramesh Kuwar and another .. **Petitioners**
Versus
The State of Maharashtra and others .. **Respondents**

Shri V. S. Panpatte, Advocate for Petitioners.
Shri R. V. Dasalkar, A.G.P. for Respondent Nos. 1 to 4.
Shri Irfan D. Maniyar, Advocate for Respondent Nos. 5 and 6.

WITH**WRIT PETITION NO. 9562 OF 2017**

Mohan Kanhaiyalal Bhamare and another .. **Petitioners**
Versus
The State of Maharashtra and others .. **Respondents**

Shri V. S. Panpatte, Advocate for Petitioners.
Shri R. V. Dasalkar, A.G.P. for Respondent Nos. 1 to 4.
Shri Irfan D. Maniyar, Advocate for Respondent Nos. 5 and 6.

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

DATE : **17th January, 2018**

PER COURT :

1. In all these petitions, the petitioners are appointed prior to 2nd May, 2012. The chart giving the date of appointments, approvals granted earlier as 'Shikshan Sevak', permanent approvals granted as 'Assistant Teacher', so also, the dates of

cancellation of approvals are given herewith-

Sr. No.	W.P.No.	Name of Petitioner	Date of Appointment	Date of approval as Shikshan Sevak	Date of Permanent Approval as Assisntant Teacher	Date of Rejection of approval
1.	9351/17	1) Prajakta Subhash Deore	16.08.08	11.08.10	17.08.11	28.06.17
		2)Krant Devendra Deore	01.07.09	16.08.10	10.08.12	
		3) Rohini Raosaheb Deore	01.04.09	11.08.10	14.05.13	
2.	9356/17	Satish Magan Thakare	01.01.10	16.08.10	04.03.13	30.05.17
3.	9400/17	Dilip Sukhdev Pawar	01.05.09	06.09.10	28.05.12	23.03.17 & 28.06.17
4.	9547/17	1) Yogesh Ramesh Kuwar	10.04.17	16.08.10	05.07.16	28.06.17
		2) Rohit Popatrao Desale	01.06.10	06.09.10	06.06.13	
5.	9562/17	1) Mohan Kanhaiyala Bhamare	30.06.08	16.08.10	20.12.11	28.06.17
		2) Manisha Bhila Desale				

2. It is not disputed that in all these matters the appointment of the petitioners as 'Shikshan Sevak' was approved. Thereafter, permanent approval was granted to them as Assistant Teachers. Subsequently, after a long period the approval granted to the petitioners has been cancelled. The approval is cancelled basically on the ground that the No Objection Certificate of the Education Officer was not obtained, the procedure for

appointment was not followed and that there is a backlog of reserved category candidates.

3. We have heard the learned advocate for the petitioners, learned A.G.P. and the learned advocate for the Managements.

4. It would appear that all the petitioners except three are appointed from reserved category. It is not stated that the appointment of the petitioners from reserved category and or open category is not as per the roster. The order impugned states that the backlog exist. The authority was required to consider that whether the petitioners are appointed on the post which was available as per the roster as majority of the petitioners are from the reserved category. It appears that prior to the advertisement applications were given for filling in the post. Even the affidavit filed by the Education Officer states that the applications were given, however, No Objection Certificate was not given by the Education Officer. It is not the case of the Education Officer that the applications seeking permission to fill in the post given by the Institutions were rejected.

5. The approval was granted as Shikshan Sevak. Thereafter, the permanent approval is granted as a Assistant Teacher. It is not the case of the respondent that fraud was played by the petitioners or Institutions or that it is the case of the misrepresentation.

6. The Institutions have given an undertaking to this court that if the backlog of reservation still exists, then they will fill in the post from the said reserved category. The said undertaking is accepted.

7. In the light of above, the impugned orders are quashed and set aside. The necessary consequential benefits shall follow.

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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe/Jan.18