

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

989 WRIT PETITION NO. 10623 OF 2017

SARAJ TAWLEWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDETNS

...

Mr. M. V. Salunke with V. D. Salunke, Advocate for the Petitioner.

Mr. N. T. Bhagat, AGP for Respondent-State.

Mr. Rajdeep D. Raut, Advocate for Respondent No.5.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 15th JUNE, 2018.

PER COURT:-

1. The petitioner was appointed as 'Shikshan Sevak' on 01.08.2013. The Education Officer granted approval to the appointment of the petitioner as 'Shikshan Sevak' under its order dated 31.10.2013. It is stated that the petitioner was continued in the service under the impugned order. The approval has been cancelled on the ground of Government Resolution dated 02.05.2012. According to the petitioner, the petitioner is appointed from reserved Scheduled Tribe category and the said ban would not apply. The reliance is placed on the judgment of the Division Bench at the Principal Seat at Bombay dated 09.03.2017 in Writ Petition No.10580/2015 with connected writ

(2)

petitions. The Division Bench in the said judgment has observed as under:

"3. In view of the aforesaid pronouncement of the Division Bench which held that the ban imposed by the GR dated 2.5.2012 would not apply to the appointment which was made from reserved category after following due procedure of law, all the petitions deserve to be and are hereby allowed in terms of prayer clause (b)."

2. In the present case also the present petitioner is appointed from the reserve category. The Education Officer was satisfied that the proper procedure is followed and thereafter approval is granted to his appointment and subsequently after four years, approval is canceled only on the ground that as per Government Resolution dated 02.05.2012, there was ban on recruitment.

3. The said issue is already considered by the Division Bench at Principal Seat at Bombay as above (supra).

4. In view of that, impugned order is quashed and set aside.

5. Writ Petition stands disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE