

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

WRIT PETITION NO. 10266 OF 2017

Dattatraya S/o. Vasantrao Kulkarni ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr Yogesh P. Deshmukh, Advocate for the petitioner
Mr P. S. Patil, AGP for respondent/State
Ms Anjali Dube, Advocate for respondents No. 5 and 6
.....

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

DATE : 20TH FEBRUARY, 2018.

ORDER:

1. The proposal seeking approval to the appointment of the petitioner is rejected.
2. Heard learned counsel for the petitioner and the learned AGP for respondent/State.
3. It appears that, on 20.04.2012, the Institution gave an application to the Dy. Director of Education seeking permission to fill

in the posts. No response was received. Advertisement was given. Pursuant to the advertisement dt. 22.06.2012, the petitioner was selected for Mathematics subject.

4. The proposal is rejected basically on the ground that the permission was not sought before filling in the post and no objection certificate was not given.

5. It appears from the record that, the application was given on 20.04.2012, however, no response was received from the office of Dy. Director of Education. On 22.06.2012, advertisement was issued and after following due selection process the petitioner was appointed on 29.08.2012.

6. There is also nothing on record to suggest that, Education Officer during this period has forwarded the surplus candidates to the respondent-Institution and that respondent-Institution did not absorb the surplus candidates.

7. Considering the above, the impugned order is quashed and set aside. The Dy. Director of Education shall decide the proposal seeking approval to the appointment of the petitioner afresh and

shall not reject it on the ground that the Management had not obtained the prior permission of the Dy. Director of Education or that there are surplus candidates. The proposal shall be decided expeditiously, preferably within four months from today.

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

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde