

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

WRIT PETITION NO. 13593 OF 2017

Bhagwan Ramesh Holkar

Petitioner...

Versus

The State of Maharashtra & Ors.

Respondents...

.....
Mr V. G. Kodale h/f Mr P. G. Rodge, Advocate for the petitioner
Mr S. S. Dande, AGP for respondent/State
Mr Sachin S. Deshmukh, Advocate for respondents No. 3 & 4
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**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 06TH OCTOBER, 2018.

PER COURT:-

1. Heard learned counsel appearing on behalf of the respective parties.
2. The petitioner is before this Court challenging the order passed by the Education Officer (Secondary), Zilla Parishad, Latur, dt. 03.06.2017, thereby rejecting the proposal for grant of approval to the appointment of the petitioner on the post of Jr. Clerk. The grounds assigned in the impugned order for rejecting the proposal are: (1) no prior permission is obtained and (2) the appointment is

made in banned period and as such, approval cannot be granted in view of the Government Resolution dt. 02.05.2012. This issue was raised by way of writ petitions before the Principal Seat of this Court as well as before this Court. The documents placed on record show that the necessary formalities were undertaken by the institute viz. submitting a proposal to the Education Officer for publishing an advertisement. The advertisement was published. The petitioner herein was interviewed by the Local Selection Committee and came to be appointed on the post of Clerk. The petitioner belongs to Scheduled Castes category.

3. Considering the aforesaid facts, we find merit in the submission of the learned counsel for the petitioner that the case of the petitioner is squarely covered by the judgment of this Court at Principal Seat delivered in Writ Petition No. 8587 of 2016 and other connected petitions on 10th July, 2017 and more particularly, the petitioner falls in a category (C) as carved out by the said Division Bench in para 9 of its judgment (supra). In view of this, the instant petition is allowed in terms of prayer clause 'C' and disposed of.

[MANISH PITALE]
JUDGE

[PRASANNA B. VARALE]
JUDGE