

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10383 OF 2017

Dattarao Ramrao Ingale

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Irfan D. Maniyar, Advocate for the Petitioner.

Shri R. V. Dasalkar, A.G.P. for Respondent Nos. 1 and 2.

Shri V. S. Panpatte, Advocate for the Respondent No. 3.

Shri Ravi R. Bangar, Advocate for Respondent Nos. 4 and 5.

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

DATE : 17th January, 2018

PER COURT :

1. Heard the learned counsel for the petitioner and the respondents.

2. The petitioner was appointed on 14.9.2011. The approval to the appointment of the petitioner as 'Shikshan Sevak' was granted on 2nd September, 2013. The permanent approval as 'Assistant Teacher' is granted on 16.9.2014.

3. The only reason given in the impugned order cancelling approval is that, at the relevant time there was ban on the recruitment as per Government Resolution dated 2nd May, 2012 and 6th February, 2012. It appears that the Education Officer has passed the order without application of mind. The appointment of the petitioner is of the year-2011. In view of that, the said Government Resolutions would not apply. There is no case of fraud or misrepresentation on the part of the petitioner.

4. In the light of above, the impugned order is quashed and set aside. The necessary consequential benefits shall follow.

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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe/Jan.18