

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

WRIT PETITION NO. 9577 OF 2017

Hanmant Gangadharrao Kokane & ors.

Petitioners.

Versus

The State of Maharashtra & others.

Respondents.

WITH

WRIT PETITION NO. 10833 OF 2017

Vilas Sudamrao Ingole.

Petitioner.

Versus

The State of Maharashtra & others.

Respondents.

Mr. V.S. Panpatte, Advocate for the petitioners.

Mr. A.V. Deshmukh, A.G.P. for State/respondent No.1 to 3.

Mr. I.D. Maniyar, Advocate for respondent Nos.4 and 5.

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

Dated : **25th July, 2018.**

FINAL ORDER :-

. We have heard Mr. Panpatte, the learned Counsel for the petitioners and Mr. Deshmukh, learned A.G.P. The facts as narrated by the petitioner can be tabulated as under :-

Sr. No.	Name of Petitioners	Category and post	Date of appln. for permission	Date of Advt.	Appl. submitted to employment office for sending list of eligible candidates	Date of appointment w.e.f.	Date of submission of proposal to Resp. No.4.	Date of rejection of approval.
1	Hanmant Gangadharrao Kokane	N.T. Sk.Sevak	6.6.2013	20.6.2013	10.6.2013	1.7.2013	16.8.2013	24.4.2017
2	Sandeep Pandhari Gunturkar	S.C. Sk.Sevak	7.7.2013	19.7.2013	8.7.2013	1.8.2013	16.8.2013	24.4.2017
3	Jaishree Shankar Choudhari	O.B.C. Sk.Sevak Lab.Astt.	7.7.2013	19.7.2013	8.7.2013	1.8.2013	16.8.2013	24.4.2017
4	Sayyad Jalil Mastansab	Open Sk.Sevak Hindi	10.2.2014	18.2.2014	8.3.2014	1.3.2014	5.3.2014	24.4.2017
5	Sanjay Ramrao Rathod	Open Sk.Sevak English	7.8.2014	20.8.2014	10.8.2014	1.9.2014	15.9.2014	24.4.2017
6	Vilas Sudamrao Ingole	Open Sk.Sevak	29.12.2016	16.1.2014		1.2.2017	17.7.2017	19.8.2017

2. According to the respondents, the applications were given by the petitioners seeking permission to fill in the post. The petitioners have produced on record information received to them under Right to Information Act. According to the respondents, handwriting in the inward register appears to be different.

3. It is further observed that in the roster backlog is not shown. According to the petitioners, the same is incorrect. The correct roster is produced and backlog is shown.

4. It would appear from the impugned order that the proposal for approval is rejected basically on the ground that the backlog is not shown in the roster. The permission is not taken from the office for filling in the post and giving advertisement. The appointments are not made by issuing advertisement in the newspapers. There are surplus candidates. The proposal is not routed through the Assistant Commissioner, Social Welfare.

5. According to the petitioners, the proposal was given through the Assistant Commissioner, Social Welfare.

6. It appears that there are conflicting claims made by the petitioners and the respondents. The petitioners in the present matters have produced on record the application which they claimed to have given seeking permission to fill in the post and so also claimed to have given the applications to the Employment Office for sending the names of eligible candidates.

7. It would be appropriate for the Authority to consider the record produced by the petitioner and the clarifications given by the petitioners with regard to the roster and thereafter take decision afresh.

8. The petitioners shall produce the entire record regarding the roster, existence of backlog, the applications given seeking permissions and thereafter the Authority shall take decision

afresh on its own merits after considering the record.

9. If it finds the availability of backlog and the applications being given, then, the proposal shall not be rejected only on the ground that there are surplus candidates to be absorbed. The petitioners and the Institution may appear before the Authority with the entire record on 27th August 2018. Thereafter the Authority shall consider the record and take decision afresh, preferably within three (03) months thereafter. While doing so, the impugned order would not be an impediment.

10. Writ Petitions are disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd
