

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

WRIT PETITION NO. 10832 OF 2017

Tukaram Ananda Jagtap

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr I.D. Maniyar, Advocate for petitioner

Mrs A.V. Gondhalekar, A.G.P. for respondents no.1 and 2

Mr V.S. Panpatte, Advocate for respondent no.3

Mr H.S. Bali, Advocate for respondents no.4 and 5

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

DATE : 23rd February 2018

PER COURT

1. The petitioner assails the order cancelling the approval granted to him as Peon.

2. The learned Advocate for the petitioner submits that the petitioner was appointed as Peon after following proper procedure. Initially, approval was granted on 28.2.2013. Upon completion of three years probation, the petitioner was granted permanent approval on 16.7.2015. Under the impugned order, the approval is cancelled only on the ground that at the relevant time, there was ban on recruitment or that Commissioner issued directions.

3. We have heard the learned Advocate for respondent no.3

4. It appears that the Education Officer granted approval to the appointment of the petitioner as Peon on probation under order dated 28.2.2013. Upon completion of three years on probation, Education

Officer granted permanent approval to the appointment of the petitioner on 16.7.2015. It is further stated that the respondent-institution is a minority institution. Now, under the impugned order, the approval is cancelled solely on the ground that at the relevant time, there was ban on recruitment. The ban on recruitment could not have been made applicable for minority institution as minority institutions are not supposed to absorb surplus candidates against their will and wish

5. In light of above, the impugned order dated 13.7.2017 passed by respondent no.3 - Education Officer (Primary), Zilla Parishad, Hingoli is quashed and set aside.

6. Writ Petition is accordingly allowed. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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