

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

BENCH AT AURANGABAD.

WRIT PETITION NO.12168 OF 2017

Milind S/o Uttamrao Surwade ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.V.S.Panpatte, advocate for the petitioners.
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.S.P.Katneshwarkar, advocate for Respondent
Nos.3 and 4.

...

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

Date : 05.02.2018.

PER COURT :

1. The petitioner assails the order of rejection of approval dated 25.11.2013. It is the case of the petitioner that only in January 2017, the Respondent institution intimated the petitioner about rejection of his proposal seeking approval to the appointment of the petitioner as Shikshan Sevak.

2. The rejection of approval of the petitioner is basically on the ground that the Education Officer had not given permission to the institution to appoint the petitioner.

3. According to learned A.G.P. there are large number of surplus candidates required to be absorbed. As such the proposal has been rightly rejected.

4. It appears that petitioner is appointed from S.C. category and he holds the validity certificate.

5. It appears that permission was sought for filling in post on 2.4.2012. Thereafter advertisement was issued and petitioner was appointed.

6. The case of the petitioner is that the employer institution did not intimate about the proposal being rejected. The Respondent institution also do not come forward with an explanation as to why no steps were taken of

intimating the petitioner about the rejection of his approval and allowing the petitioner to work even after rejection of approval.

7. Be that as it may, we are concerned with the orders of the rejection of approval.

9. It is further stated that at no material point of time, the Education Officer has referred any surplus candidate to the institution to be absorbed. In case of reserved category candidates, the Government Resolution providing ban on recruitment would not apply.

10. The Education Officer never communicated the institution to absorb the surplus candidates or that not to appoint Shikshan Sevak though the application was given by the institution seeking permission to fill in the posts.

11. In light of the above, the impugned order is quashed and set aside. The Education Officer shall decide the proposal of the

petitioner afresh and shall not reject it on the ground that at the relevant time there was ban on recruitment or that permission was not granted to fill the post. The proposal shall be decided preferably within six (6) months.

12. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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