

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2154 OF 2017

Vijay Ashok Sonawane

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Ajay D. Pawar, Advocate for Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Shri Chetan T. Jadhav, Advocater for Respondent No. 3.

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

DATE : 20th March, 2018

PER COURT :

1. The petitioner is appointed as a 'Shikshan Sevak' on 5.8.2013. The proposal seeking approval to the appointment of petitioner as a 'Shikshan Sevak' is rejected on the ground that there is ban on recruitment as there are surplus teachers.
2. We have heard the learned A.G.P. also.
3. Ban on recruitment would not apply to the appointments to

be made on compassionate ground. This court in Writ Petition No. 7614 of 2015 and 1777 of 2016 has held that ban on recruitment would not apply to appointments on compassionate ground. It would not be rejected that surplus candidates are required to be absorbed.

4. In view of that, the impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the appointment of the petitioner as 'Shikshan Sevak' afresh, on its own merits, in accordance with law, expeditiously and preferably within a period of four (4) months. The Education Officer shall not reject the proposal on the ground on which the impugned order is passed.

5. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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