

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

BENCH AT AURANGABAD.

WRIT PETITION NO.13199 OF 2017

Sunil S/o Taterao Jadhav
and others. ... Petitioners.

Versus

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

...

Mr.S.R.Choukidar, advocate holding for
Mr.H.S.Bali, advocate for the petitioners.
Mrs.M.A.Deshpande, Additional Government Pleader
for the State.

...

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

Date : 29.01.2018.

PER COURT :

1. The petitioners assail the order passed by the Education Officer (Primary), rejecting the proposal for approval to the appointment of the petitioners as Shikshan Sevak.

2. The learned counsel for petitioners has brought to our notice the order dated 15.12.2015, passed in W.P.No.699/2013, filed by the institution and the present petitioners. In the said petition also the petitioners had challenged the order of the Education Officer, rejecting the proposal seeking approval to their appointments. This Court under order dated 15.12.2016, had set aside the order of the Education Officer and directed reconsideration of the proposal. This Court directed the Education Officer not to reject the proposal only on the ground that at the relevant time surplus candidates were not absorbed.

3. Under the instant order precisely on the ground that surplus candidates are available, the proposal is rejected.

4. The order dated 15.12.2016 in W.P.No.699/2013 was passed in the presence of the Education Officer. The Education Officer could not have sat over the order of this Court. The Education Officer is bound by the order passed by

this Court in the Writ Petition filed by the present Writ Petitioners.

5. Till the order of this Court dated 15.12.2016 in W.P.No.699/2013 is in force, the Education Officer can not reject the proposal on the ground that surplus candidates were required to be absorbed. In fact, the impugned order would amount to Contempt of the orders passed by this Court dated 15.12.2016 in W.P.No.699/2013.

6. We set aside the impugned order and direct the Education Officer (Primary), to reconsider the proposal seeking approval to the appointment of the petitioners as Shikshan Sevak and shall not reject it on the ground that surplus candidates were required to be absorbed. In case the Education Officer (Primary), repeats the same mistake, this Court would take stern view of the matter. The same shall be considered preferably within three (3) months.

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

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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