

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

WRIT PETITION NO. 13012 OF 2017

Guruling S/o Bansappa Todkar & Ors. ... Petitioners

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr V. S. Panpatte, Advocate for the petitioners
Mr A. S. Shinde, AGP for respondent/State
.....

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

DATE : 22ND JANUARY, 2018.

ORDER:

1. The petitioners are all from reserved category. They are appointed pursuant to the advertisements dt. 13.06.2013, 22.06.2012 and 26.08.2013. Before issuing the advertisements, the applications were given by the Institution seeking permission from the Education Officer to fill in the posts on 10.06.2013, 20.04.2012 and 18.12.2012. The petitioners no. 1, 2, 5 & 8 are appointed to teach Physics, Math and English subjects. Petitioners no. 6 & 7 are appointed to teach Economic and History subjects.

2. It is further submitted that, the Dy. Director of Education had apprised the Commissioner (Education) that no more surplus candidates are waiting to be absorbed and the process of absorbing all surplus candidates is complete. The proposal seeking approval to the appointment of the petitioner is rejected only on the ground that prior permission has not been obtained by the Institution for filling in the posts on which the petitioners are appointed.

3. As it would be seen that, prior to issuance of advertisements the applications were given by the Institution, the Dy. Director of Education did not give any response to the said applications and thereafter advertisements are given.

4. We had asked the learned AGP as to during this period whether any surplus candidates were sent for absorption to the respondent-Institution. The learned AGP, on instructions, states that no surplus candidates were directed to be absorbed in the respondent Institution during the said period.

5. All the petitioners herein belong to reserved category, the Dy. Director of Education has also in his communication

dt.27.11.2015 i.e. much later, had observed that the process for absorption of surplus candidates is over.

6. Considering the above, the impugned order is quashed and set aside. Respondent No. 2 shall decide the proposal seeking approval to the appointment of the petitioners afresh on its own merits, expeditiously, preferably within a period of six months. The proposal shall not be rejected on the ground on which the impugned order is passed.

7. Writ Petition is, accordingly, allowed. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde