

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13699 OF 2017

Dilip Vitthal Manjarme

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri V. S. Panpatte, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 3.

Shri Abhijit Choudhary h/f Shri D. J. Choudhary, Advocate for Respondent Nos. 4 and 5.

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

DATE : **18th April, 2018**

PER COURT :

1. Heard learned counsel for the respective parties and the learned Assistant Government Pleader. The proposal seeking approval to the appointment of petitioner is rejected.

2. The petitioner claims to have been appointed from Scheduled Tribe category. It is submitted that the application was given to the Education Officer seeking permission to advertise the post. The permission was granted by the Education Officer on 19.06.2012. Thereafter, the advertisement was published on 23rd June, 2012. According to the learned counsel for the petitioner, on following selection process the

petitioner was appointed on 1st August, 2012, from Scheduled Tribe category. The petitioner claims to possess the validity certificate also.

3. According to the respondent, there were surplus candidates available and the petitioner is appointed during the ban period.

4. It would appear that the permission was sought to fill in the post. The permission was granted, advertisement was issued and thereafter the petitioner was selected and appointed.

5. Considering the above, it would not proper on the part of the Education Officer to reject it on the ground of availability of the surplus candidates.

6. In the light of above, the impugned order is quashed and set aside. The Education Officer shall decide the proposal afresh, on its own merits, in accordance with law, expeditiously and preferably within four (4) months and shall not reject it on the ground on which the impugned order is passed.

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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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