

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

WRIT PETITION NO. 15182 OF 2017

Sudam S/o Madhukar Ghadge

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr Shivaji T. Shelke, Advocate for the petitioner
Mr K. N. Lokhande, AGP for respondent/State
.....

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

DATE : 12TH APRIL, 2018.

ORDER:

1. The proposal seeking approval to the appointment of the petitioner as Hostel Superintendent in Primary Ashram School is returned back and the approval is not granted on the ground that at State Level there are some surplus Hostel Superintendents.

2. It is submitted by Shree S. T. Shelke, the learned counsel for the petitioner that, the Regional Dy. Commissioner, Nashik had informed that there are no surplus Hostel Superintendents so also Regional Dy. Commissioner, Pune informed that there are no surplus

Hostel Superintendents, still the approval is not granted on the ground that there may be surplus employees at State Level.

3. Shree S. T. Shelke, the learned Counsel for the petitioner relies on the Government Resolution dt. 16.10.2012 to submit that, surplus teachers as existing in the district and the region are to be considered and not at State Level.

4. The learned Assistant Government Pleader submits that, considering the letter and the fact that at State Level there may be surplus Hostel Superintendents, the approval is not granted.

5. The Government Resolution dt. 16.10.2012 states that, the surplus members of the non-teaching staff will have to be absorbed at the district level and at district level if there is no vacancy they will have to be absorbed at regional level. The said Government Resolution does not speak of absorption of surplus employees at state level.

6. The letters placed on record have been issued by the Regional Dy. Commissioner, Nashik and Regional Dy. Commissioner, Pune stating that there are no surplus Hostel Superintendents.

7. Considering the above, the respondent No. 3 shall reconsider the proposal submitted seeking approval to the appointment of the petitioner as Hostel Superintendent on its own merits and shall not reject it on the ground that there may be surplus Hostel Superintendents available at State Level. Same be decided expeditiously, preferably within four months.

8. Writ Petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde