IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3808 OF 2018

Ratna Dattatraya Sasane .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

Mr. Surel S. Shah with Datta Pawar for petitioner
Mrs. S.D.Vyas "B" Panel Counsel for respondent No.2
Mr. Mandar G. Bagkar for respondent Nos. 3 and 4.

Yogeshwar Bhalchandra Gokhale
Digitally signed by Yogeshwar Bhalchandra Gokhale
Date: 2018.11.02 01:46:48 -0400

CORAM : B.R.GAVAI , &
M.S.KARNIK, JJ

DATE : 1st November 2018.

P.C.

Rule. Rule is made returnable forthwith. By consent heard the parties.

2] The petitioner has approached this Court being aggrieved by the order dated 3rd March 2018, thereby rejecting approval to the appointment of petitioner.

3] An affidavit is filed by the respondent – State. In para 12 of the said affidavit, it is stated as under:-

> "12. With reference to para 14 of the petition, I say and submit that this Hon'ble Court directed that the appointments made (a) prior to 2/5/2012 (b) for English, Mathematics and Science subjects and (c) to fill in the backlog of B.C.Categories be approved. In view of such order of this Hon'ble High Court the State Government has passed a Resolution dated 24/8/2018. Hereto annexed and marked as Exh."A" is a copy of the said G.R. dated 24th August 2018. It is submitted that the case of the petitioner can now be reviewed and decided in view of by the State Governmnt in G.R.dated 24th August 2018 since her appointment is prior to 2nd May 2012. However, the decision of approval to the appointment of the petitioner can be taken only when the vacancy for open category existed which would be somewhere in 2014."

4] In that view of the matter, we find that the petition can be disposed of. The impugned order is quashed and set aside. Respondent – Education Officer is directed to consider the case of the petitioner afresh in the light of the judgement and order passed by this Court and subsequent G.R. issued by the State Government, in compliance with the judgement and order of this Court. The same shall be done within a period of eight weeks from today.

5] Rule is accordingly made absolute. No costs.

(M.S.KARNIK, J) (B.R.GAVAI, J.)