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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4256 OF 2017

Ms. Swapnagandha Sambhaji Kamble	..Petitioner
Versus	
President/Secretary, Agrani Shikshan Prasarak Mandal Shri. Virbhadrha Krishi Vidyalaya, Siddhewadi, Tal. Tasgaon, Dist. Sangli and others	..Respondents

Mr. Kishor Patil i/by Aarti P. Bhide, Advocate for the Petitioner.
Mr. S. B. Kalel, AGP for Respondent Nos.3 and 4.

**CORAM: B. R. GAVAI &
B. P. COLABAWALLA, JJ.**

DATE: 1st FEBRUARY, 2018

P.C.:-

1] Rule. Rule is made returnable forthwith. Respondents waive service. Heard, by consent of parties.

2] Petitioner has approached this Court with a grievance that, though a proposal for grant of approval to the Petitioner's appointment which was made in the year 2013 has been forwarded by Respondent Nos. 1 and 2 to Respondent No.3, the same is not decided.

3] Respondent No.3 has filed his reply. It is stated in the reply that,

approval was not granted since appointment of the Petitioner has been made in contravention of Government Resolution dated 2nd May, 2012, which has imposed a ban on appointment.

4] The issue is no more *res integra*. Division Bench of this Court in a bunch of Writ Petitions, leading Writ Petition being Writ Petition No. 8587 of 2016 (*Smt. Munoli Rajashri Karabasappa vs. State of Maharashtra & Ors*) has observed thus :

“9. In the result, the Writ Petitions are allowed and impugned orders are quashed and set aside. The Respondents – Education Officers are directed to examine independent cases and grant approval to each of the teachers who fall in the following three categories:-

(a) Where the recruitment process is already commenced prior to GR dated 2nd May, 2012;

(b) where the appointments made for filling up vacancies in English, Mathematics and Science;

(c) where the recruitment is made to fulfill the backlog of reserve categories candidates;”

It is not in dispute that, appointment of the Petitioner has been made to fulfill the backlog of scheduled caste category.

5] In that view of the matter, case of the Petitioner is squarely covered by judgment of this Court dated 10/07/2017 (cited supra).

6] Petition is therefore allowed by directing Respondent No.3 to grant approval to the appointment of the Petitioner as Shikshan Sevak with effect from 23/07/2013 for a period of three years. Needless to state that, upon completion of the said period of three years, Petitioner shall be granted approval as Assistant Teacher.

7] Rule is made absolute in the aforesaid terms.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)