

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

WRIT PETITION NO.12003 OF 2017

Sachinkumar Balasaheb Norje	..Petitioner
Versus	
State of Maharashtra and others	..Respondents

**ALONGWITH
WRIT PETITION NO.12004 OF 2017**

Madhav Vasant Kamble	..Petitioner
Versus	
State of Maharashtra and others	..Respondents

**ALONGWITH
WRIT PETITION NO.12005 OF 2017**

Sandip Vitthal Kumbhar	..Petitioner
Versus	
State of Maharashtra and others	..Respondents

**ALONGWITH
WRIT PETITION NO.12006 OF 2017**

Sambhaji Shahaji Bade	..Petitioner
Versus	
State of Maharashtra and others	..Respondents

**ALONGWITH
WRIT PETITION NO.12115 OF 2017**

Sujata Shahaji Patil	..Petitioner
Versus	
State of Maharashtra and others	..Respondents

Mr. Chetan G. Patil, Advocate for the Petitioners in all the Writ Petitions.
Ms. Nisha Mehra, AGP for Respondent Nos.1 and 2 in all the Writ Petitions.

Mr. M. G. Bagkar, Advocate for Respondent Nos.3 and 4 in all the Writ Petitions.

**CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.
DATE : 15th JANUARY, 2018**

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioners have approached this Court for quashing and setting aside the orders passed by the Respondent No.2, thereby rejecting the proposal for grant of approval to the appointment of the Petitioners. The approval has been rejected on the ground that the Petitioners were appointed after Government Resolution dated 2nd May 2012, vide which a ban was imposed on the appointment.

3] The Division Bench of this Court, to which one of us (B. R. Gavai, J) was a member in a bunch of Petitions being Writ Petition No.8587 of 2016 and connected matters, has held 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;"

4] It could thus be seen that the Shikshan Sevaks who were appointed in the aforesaid three categories would not be covered by the said ban and if they are appointed to fill up the vacancies in any categories the approval will have to be granted to their appointments.

5] In so far as the Petitioners are concerned, the Petitioners in Writ Petition No.12003 of 2017 and Writ Petition No.12006 of 2017 were appointed to fill up the posts of Science. One of the said persons i.e. Petitioner in Writ Petition No.12006 of 2017 was appointed to fill up the posts of OBC which is a reserved category. In so far as the Petitioners in Writ Petition No.12004 and Writ Petition No.12005 of 2017 are concerned, they are appointed to teach subject of English and in addition both of them were appointed to fill up the vacancy of Schedule Caste and OBC category. In so far as the Petitioner in Writ Petition No.12115 of 2017 is concerned, he was appointed to teach the subject of Science.

6] In the result, the Petitions deserve to be allowed. The impugned orders are quashed and set aside. The Petitioners are directed to be given approval as Shikshan Sevaks from the dates on they were

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initially appointed.

7] Needless to state that upon completion of successful three years as Shikshan Sevaks, they will be brought in the category of assistant teachers. Rule is made absolute in the aforesaid terms.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]