

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2896 OF 2018

Mrs.Smita Venkat	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

ALONG WITH
WRIT PETITION (L) NO. 2897 OF 2018

Vimal Hinge	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

ALONG WITH
WRIT PETITION (L) NO. 2900 OF 2018

Kanchan Parab	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

Mr.Mihir Desai, Senior Advocate a/w Ms.Devyani Kulkarni, for the Petitioners in all Petitions.
Mr.Kedar Dighe, AGP for State in all Petitions.
Ms.Anjali Purav, for Respondent No.4 in all Petitions.
Mr.R.M.Ahire – In-charge Deputy Director of Education, Mumbai present.

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.
DATE : 29th OCTOBER, 2018

ORAL JUDGMENT (PER B.R.GAVAI, J.) :

. Rule. Rule is made returnable forthwith. Heard by consent.

2. In pursuance to the order dated 25/10/2018, Mr.R.M.Ahire - In-charge Deputy Director of Education- Respondent No.3 is personally present in the Court and has tendered unconditional apology.

3. By way of the present Petitions, the Petitioners are challenging the order dated 24/04/2018 passed by the Respondent No.3 thereby rejecting the approval to the appointment of the Petitioners for posts to which the Petitioners were selected.

4. Undisputedly, the selection of the Petitioners was against the posts earmarked for open category and was done by Respondent No. 4 after following due selection process.

5. The only ground on which the approval is rejected is that the backlog of reserved category candidates in the Respondent No.3 exists. However, it is not the case of Respondents No.1 to 3 that selection of the Petitioners is against the posts earmarked for the reserved category.

6. In that view of the matter, we find rejection of the approval is on unsustainable ground. Insofar as backlog is concerned, the Respondent No.3 is always empowered to issue directions to Respondents No.4 & 5 to fulfill the backlog if that exists in Respondent No.5 - College. However, that cannot be a ground for rejecting the approval of the candidates selected by due selection process against the open category.

7. In the result, Rule is made absolute in terms of prayer clauses (a) & (b).

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)