

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

Writ Petition No. 01154 of 2019

District : Dhule

1. Pravin s/o. Ramlal Shinde,
Age : 31 years,
Occupation : Service as
Assistant Teacher,
at present r/o. Tarhadi,
Taluka Shirpur,
Dist. Dhule.
2. Santosh s/o. Nimba Adagaye,
Age : 29 years,
Occupation : Service as
Assistant Teacher,
at present r/o. Tarhadi,
Taluka Shirpur,
Dist. Dhule.
3. Bhavesh s/o. Rajendra Patil,
Age : 25 years,
Occupation : Service as
Shikshan Sevak,
at present r/o. Tarhadi,
Taluka Shirpur,
Dist. Dhule.

.. Petitioners

versus

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
2. The Education Officer
(Secondary),
Zilla Parishad, Dhule.

... Contd.

3. Tapi Parisar Vidya Prasarak
Sanstha,
Tarhadi, Taluka Shirpur,
District Dhule,
Through its President.

.. Respondents.

4. Late Annasaheb Sahebrao
Soma Patil,
Madhyamik Vidyalaya,
Tarhadi, Taluka Shirpur,
Dist. Dhule,
Through its Head Master.

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Mr. V.S. Panpatte, Advocate, for the petitioners.

*Mrs. M.A. Deshpande, Asst. Government Pleader, for
respondents no.01 and 02.*

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**CORAM : PRASANNA B. VARALE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 28TH JANUARY 2019

ORAL ORDER [Per Prasanna B. Varale, J.] :

Heard learned Counsel for the petitioner.

02. Mr. V.S. Panpatte, learned Counsel for the petitioners submitted that the petitioners were possessing requisite academic qualifications so as to take their claim for appointment as a teacher. The petitioners are belonging to Scheduled Tribe, Nomadic Tribe and 'Kunbi' i.e. Other Backward Class, respectively; that is to say, they were entitled for the claim of social reservation. Respondent no.03 - Society was in need of the teachers. Accordingly,

communication was forwarded to respondent no.02 i.e. Education Officer (Secondary), Zilla Parishad, Dhule, seeking permission to publish advertisement. Petitioner no.01 was appointed on 31-09-2014. Petitioner no.02 was appointed on 15-06-2015 and petitioner no.03 was appointed on 19-06-2017. The Society informed respondent no.02 - Education Officer (Secondary) about appointment of these petitioners. Respective proposals of the petitioners were submitted to the Education Officer (Secondary), ranging from the year 2014 to 2017. Learned Counsel submitted, that in spite of all necessary compliance, respondent no.02 is sitting idle on the proposals. Learned Counsel then submitted that this very issue was subject matter of consideration before the Division Bench of this Court at principal seat. The Division Bench considering this aspect, passed the judgment and order in Writ Petition No. 08587 of 2016 and bunch of petitions. Learned Counsel submits, that in view of judgment and order of the Division Bench, petitioners fall in category "B" and "C".

03. Considering all these facts, there is no dispute on the aspect of the judgment of this Court at principal seat considering the very issue, namely, grant of approval. Considering the fact that the petitioners are belonging to Scheduled Tribe, Nomadic Tribe and 'Kunbi' i.e. Other Backward Class categories, respectively, learned Counsel for the

petitioners was justified in submitting before us, that these petitioners fall in that category and petitioner no.02, who was appointed to teach English subject, learned Counsel for the petitioners was justified in submitting before us, that the petitioners would fall in category "B" and "C". Accordingly, learned Counsel for the petitioners has made out a case.

04. Resultantly, the petition is allowed in terms of prayer clause "B" and disposed of accordingly.

(Smt. Vibha Kankanwadi)
JUDGE

(Prasanna B. Varale)
JUDGE

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