

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

WRIT PETITION NO. 1991 OF 2018

Sadhna Yeshwant Patil

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Mr L.S. Mahajan, Advocate for petitioner

Mrs. V.N. Patil-Jadhav, Assistant Government Pleader for
Respondent Nos. 1 to 4

Mr V.B. Madan, Advocate for Respondent No. 5
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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATED : 23rd January, 2019

ORAL ORDER :

1. The proposal seeking approval to the appointment of the petitioner as Shikshan Sevak is rejected.

2. It is submitted that the management had given application to the Education Officer seeking permission to fill-in the post and also given application to the Employment Exchange seeking names for the post of Shikshan Sevak. Thereafter, advertisement came to be issued and the petitioner is appointed.

3. It is further submission of the learned Counsel for the petitioner as well as the Management that till date, the Education Officer has not forwarded any surplus teacher to be absorbed in the respondent/Institution.

4. The impugned order is passed only on the ground that in view of the Government Resolution dated 2nd May, 2012, the petitioner could not have been appointed unless all the surplus candidates are absorbed. It is contended by the petitioner, so also the counsel for the management that till date, not a single candidate was sent for absorption and the permission was also sought for filling in the post.

5. In light of the above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner. The Education Officer shall consider the roster, the advertisement, the availability of the post, qualification of the petitioner and shall take decision afresh on its own merits in accordance with law expeditiously, and preferably within a period of four months. It shall not reject the proposal on the ground on which the impugned order is passed.

6. The writ petition is disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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