

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

18 WRIT PETITION NO.4337 OF 2018

SANDIP RAMDHAN RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Kadam Gajanan G.
AGP for Respondents State: Mr. R. B. Bagul
Advocate for Respondent No.5 : Mr. Shinde Chandrakant K.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 11th March, 2019

PER COURT :

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

2. Heard learned Advocate for the petitioner and learned A.G.P.

3. Perusal of the impugned order, it transpires that approval to the appointment of the petitioner as Shikshan Sevak in Ashram School is rejected basically on the ground that proper procedure has not been followed, i.e. advertisement has not been issued in widely circulated newspapers and that the selection is not properly done. The ground appears to be vague. The

petitioner has filed a copy of the advertisement published in the newspaper. It is not clear whether the said newspaper is widely circulated or not. The same is to be considered by the authority.

4. The appointment is regulated by the Ashram School Code. The Commissioner of Tribal Development is required to consider, whether while giving appointment to the petitioner, procedure as laid down in the Ashram School code has been adhered to or not, so also the constitution of selection committee and all other relevant aspects. The order does not give details of the same.

5. In the light of above, we set aside the impugned order and direct the Additional Commissioner Tribal Development to reconsider the proposal seeking approval to the appointment of the petitioner as Shikshan Sevak and shall consider whether the procedure as prescribed under the Ashram School Code has been adhered to while appointing the petitioner.

6. The Institution and the petitioner may place on record the documents to show that the procedure under the Ashram School Code has been adhered to. The

authority shall satisfy itself about the Institution having followed the entire procedure as required under the Ashram School Code and then consider the proposal seeking approval to the appointment of the petitioner as Shikshan Sevak. The same shall be considered within three months from today. The authority shall also give reasons while deciding the proposal for approval.

7. The Institution is de-recognized on 10th April, 2017. The concerned authority shall consider the position as operating on the date of appointment of the petitioner.

8. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC