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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12751 OF 2017

Nilesh Nilkanthrao Tawshikar

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Sharad S. Shinde, Advocate for the petitioner

Mr. V. V. Bhavthankar, Advocate for respondents No. 3 and 5

Mr. P. N. Kutti, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH AND
S. M. GAVHANE, JJ.]

DATE : 17th JULY, 2019

ORDER :

1. Heard learned advocates for appearing parties.
2. It appears to be petitioner's case that recruitment process for the post in which petitioner has been appointed had been initiated well before 2nd May, 2012, contending that an advertisement was issued on 13th May, 2011 and he has been appointed pursuant to the same after following due procedure.
3. Head Master of the school had forwarded proposal for approval to appointment of the petitioner on the post of *Shikshan Sevak* in 2012 itself and thereafter reminders were

issued in 2013 and 2014 and proposal has been rejected under order dated 20th January, 2017.

4. It appears that the situation would be covered by order passed by division bench of this court in writ petition No. 8587 of 2016 dated 10th July, 2017, which is referred to in government resolution dated 24th August, 2018. A division bench of this court as well appears to have followed the suit under order dated 2nd April, 2019 in writ petition No. 9282 of 2017 observing that Education Officer shall examine and consider independent cases for approval to each of the teachers falling under three categories referred to therein.

5. It is contended that in present matter, recruitment process had started long before issuance of government resolution dated 2nd May, 2012 and appointment of the petitioner had been made and proposals had been sent in every academic year and no decision thereon had been taken till 2017.

6. It appears, on one hand as observed by division bench of this court, proposal is being rejected with a view to absorb surplus teacher and on the other, no action is being taken forwarding names of surplus teachers. In present matter, it does not appear to be disputed position that proposal had been sent

in 2012 and thereafter reminders were sent repeatedly and impugned order is passed only in 2017.

7. In the circumstances, we deem it appropriate that the course that proposal of petitioner for approval be considered as referred to in paragraph No. 9 of order dated 10th July, 2017 in writ petition No. 8587 of 2017 as referred to in resolution dated 24th August, 2018, be followed. For said purpose, we set aside order dated 20th January, 2017 passed by respondent No. 2 Education Officer, restoring the proposal of petitioner for consideration afresh, taking into account aforesaid orders passed by high court.

8. Writ petition stands disposed of.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE