

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9601 OF 2018

PRAVIN PANDIT DHUNDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Talhar Ajay G.
AGP for Respondents No. 1 & 2 : Mr. S. P. Tiwari
Advocate for Respondents No. 3 & 4 : Mr. P. S. Gaikwad

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WITH
CIVIL APPLICATION NO. 913 OF 2019

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 27th MARCH, 2019

PER COURT :

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

2. It is contended that the petitioner belongs to S.C. category. He was appointed by following due procedure of law. The proposal is rejected only on the ground that there is a backlog of S.C. posts and S.C. posts were also to be filled in up to 31.05.2014. The appointment of the petitioner

is on leave vacancy from 07.10.2015 to 06.10.2018.

3. We have heard the learned Assistant Government Pleader also.

4. The Government Resolution dated 24.08.2018, more particularly, Clause 2 of the Government Resolution specifically provides that the Government Resolution dated 13.04.2011 extending the dates for appointment of reserved category candidates would apply and if the backlog is their the approval should be granted.

5. It is not disputed by the respondent that there is a backlog of one post of S.C. and the petitioner belongs to S.C. It is also not disputed that the petitioner has the necessary qualification.

6. In the light of above, the impugned order is quashed and set aside. The Education Officer shall decide the proposal seeking approval to the appointment of the petitioner afresh and shall not

reject it on the ground on which the impugned order is passed. The same shall be decided within four (04) months.

7. The writ petition stands disposed of accordingly. No costs.

8. In view of disposal of the writ petition, the civil application also stands disposed of.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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