

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9613 OF 2018

PRAVIN VISHWANATH GHODKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Patil Indrale Anand
V.

AGP for Respondents No. 1 to 3 :
Mr. P. K. Lakhotiya
Advocate for Respondents No. 4 & 5 :
Mr. B. N. Gadekar

...

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

DATE: 04th APRIL, 2019

PER COURT :

1. Mr. Patil, learned counsel for the petitioner submits that the proposal seeking approval to the appointment of the petitioner as a Junior Clerk is rejected by respondent no. 3. Respondent no. 3 did not possess the jurisdiction to reject the same, as at the relevant time the jurisdiction vests with the Regional Deputy Commissioner, Social Welfare, Latur Region, Latur, District - Latur (Respondent no. 2).

2. The learned Assistant Government Pleader

submits that in fact the jurisdiction at the relevant time was with respondent no. 2 / the Regional Deputy Commissioner. As per Government Resolution dated 15.01.2018, a committee is constituted of which respondent no. 2 is the Chairman and it is for the committee to take decision.

3. In the light of above, as at the relevant date when the proposal seeking approval to the appointment of the petitioner was rejected by respondent no. 3; respondent no. 3 did not possess the necessary authority and the jurisdiction, the impugned order is quashed and set aside. The competent authority / committee shall decide the proposal seeking approval to the appointment of the petitioner afresh, on its own merits, in accordance with law, expeditiously and preferably within a period of six (06) months.

4. Writ Petition stands disposed of accordingly.
No costs.

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

marathe