

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
45 WRIT PETITION NO.12567 OF 2018**

SANTOSH PURBHAJI SHINDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. Irfan D. Maniyar, Advocate for Respondent No.4.

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

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. The petitioner claims to have been appointed on 20.06.2012 as Shikshan Sevak. The Education Officer granted approval to the appointment of the petitioner. Upon completion of probation period of three years, the Education Officer granted approval to the appointment of petitioner as Assistant Teacher. Under the impugned order, the approval granted to the appointment of the petitioner as Shikshan Sevak is canceled.

2. The only reason given for cancellation of the approval is that there is backlog of reserved category and the petitioner is appointed from Open category.

3. It has been submitted that subsequently the post of reserved category are also filled in and approval has been granted to those persons appointed from reserved category. We asked the learned A.G.P. specifically as to whether at the time the petitioner was appointed there was post admissible for Open category. The learned A.G.P. on going through the roster accepts that the post was available for the Open category candidate.

4. In light of the above impugned order is quashed and set aside. Writ Petition is disposed of. No costs. Necessary consequences shall be followed.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE