

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

60 WRIT PETITION NO.12921 OF 2018

SUNIL MADHUKAR PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

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

Mr. S. M. Ganachari, AGP for Respondents-State.

...

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

DATED : 28th JANUARY, 2019.

PER COURT:-

1. The petitioner was appointed as part time Librarian on 15.05.2010. The approval was granted to the appointment of the petitioner on probation period under order dated 14.08.2013. Thereafter, the permanent approval was granted to the petitioner as part time Librarian under order dated 10.10.2013. After lapse of 8 years of appointment of the petitioner, the impugned order is passed setting aside the approval granted to the petitioner for appointment as a part time Librarian.

2. In the impugned order it is stated that the provisions of M.E.P.S. Act are not followed. While discussing, the Deputy Director of Education

has observed that there are two advertisements dated 09.09.2008 and 26.04.2010 and contents of both the advertisements are same and as such had concluded that the same appears to be forged one. He also came to the conclusion that the appointment has been made during the ban period and it cannot be construed as to whether the post was available or whether there was any backlog. In fact, if the Deputy Director of Education is confirmed about the appointment is made against the roster, then it could have canceled the approval. It is only on hypothetical consideration the impugned order appears to have been passed. The petitioner is working as part time Librarian for 8 years. Even earlier proposal on probation is approved. Thereafter, permanent approval is also granted to the petitioner as part time Librarian.

3. Considering the above, impugned order is quashed and set aside. Writ Petition is accordingly allowed. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE