

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

1080 WRIT PETITION NO.13663 OF 2018

SHIVAJI SAHEBRAO KADAM

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

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

Mrs. P. V. Diggikar, AGP for Respondents-State.

Mr. Ashok B. Tele, Advocate for Respondent Nos.5 and 6.

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

DATED : 18th JANUARY, 2019.

PER COURT:-

1. The petitioner was appointed as Shikshan Sevak under appointment order dated 02.09.2012. The management submitted proposal seeking approval to the appointment of the petitioner. The said proposal was approved by the Education Officer under order dated 21.10.2013. Upon completion of three years probation period, it appears that, the management granted continuity in service. Thereafter, forwarded the proposal for permanent approval. The same is also approved by the Education Officer under order dated 15.02.2016. The Deputy Director of Education under impugned order cancelled the approval granted to the petitioner as

Shikshan Sevak solely on the ground that when there is backlog of one post of VJ-A, one post of NT-B, one post of SBC and two posts of O.B.C., Open category candidate is appointed. The Deputy Director of Education in his order nowhere states that at the time the petitioner was appointed, the post was not available from Open competition category.

2. More over, it has been brought on record by the management that those posts are also filled in and approvals are also granted to their appointments.

3. Considering all the aforesaid aspects of the matter, impugned order cannot be sustained. The impugned order is quashed and set aside.

4. Writ Petition accordingly disposed of. No costs. Considering that impugned order is cancelled, needless to state that, the consequences would follow.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE