

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 13922 OF 2018

Shivraj Pandharinath Patil

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr.V.D.Gunale, advocate for the petitioner.

Mrs.M.A.Deshpande, AGP for Respondents No.1 & 2.

Mr.A.N.Sabnis, advocate for Respondents No.3 & 4.

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 26th June, 2019

PER COURT:

The proposal seeking approval to the appointment of petitioner is rejected. The proposal is rejected basically on the ground that the vacant post was meant for Scheduled Tribe category candidate.

2 We have heard Mr.Gunale, learned Counsel for the petitioner, learned AGP for Respondents No.1 and 2 and Mr.Sabnis, learned Counsel for Respondents No.3 and 4.

3 The dispute is about the availability of the post meant for open category. The impugned order does not make it clear as to whether the post was available for open category candidate. The impugned order only states that there was backlog of Scheduled Tribe category.

4 Considering the above, we pass the following order:

(i) The impugned order is quashed and set aside.

(ii) The Education Officer shall consider the proposal seeking approval to the appointment of the petitioner and shall consider as to the availability of the post for open category candidate on the date the petitioner is appointed. The same shall be decided expeditiously preferably within four months.

5 Writ Petition is disposed of. No costs.

MANGESH S. PATIL
JUDGE

S.V.GANGAPURWALA
JUDGE

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