

Shri.Dipak Devram Valvi	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Mr.S.B.Kalel-AGP for State.

DATE :- FEBRUARY 18, 2019

1. The only argument before us is that the petitioner belongs to Scheduled Caste and the ban operative from 2nd May, 2012 would not apply. That is the only reason on which the approval is refused.

2. Reliance is placed on a Division Bench judgment of this court, which, according to Mr.Deshmukh, holds that insofar as the Scheduled Caste category candidates are concerned, the ban will not be applicable to them. Meaning thereby, reserved posts are out of the purview of this ban on recruitment in the State.

3. It is not possible to accept any of these contentions for the approval may have been refused on this ground, but what we have found is that the management inserted an advertisement, copy of which is at page 14. When it says in the advertisement itself that there is one post of Shikshan Sevak and the petitioner is not appointed against that vacant post where the qualifications required are H.S.C. B.Ed, but the petitioner is appointed so as to teach Marathi and English subjects, for which, the educational qualifications prescribed in the advertisement itself are M.A. B.Ed. The petitioner is H.S.C. D.Ed.

4. A copy of the communication at page 15 would indicate that the advertisement was issued so as to fill up the post of a English and Marathi teacher on account of retirement of such a teacher in Navmaharashtra Vidyalaya and Junior College, Pandare, Taluka Baramati, District Pune. If the permission was sought to insert advertisement and to fill up this post and an application was made by the management in writing on 3rd March, 2012, then, the reply thereto of 13th June, 2012 denotes that such an advertisement, which is inserted on 26th July, 2012 is to fill up this specific post. It is of a teacher in English and Marathi subjects. Admittedly, the petitioner having been appointed to such a post, must possess the educational qualifications,

irrespective of whether he belongs to Scheduled Caste category or otherwise. The management went ahead and issued an appointment order in favour of the petitioner knowing fully well that the petitioner could not have qualified for being appointed.

5. It is in these circumstances, we could discern that the appointment of the petitioner was made not in accordance with the requisite rules and regulations. Such an appointment could never have been approved. Once the advertisement is perused and with the required educational qualifications, then, from inception, the petitioner's appointment is contrary thereto.

6. No relief can be granted on such a petition. The writ petition is dismissed, but without any order as to costs.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)