

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10605 OF 2017

Pawar Gulabrao Kautik	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.11429 OF 2017**

Kannor Dagadu Karbhari	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.13246 OF 2017**

Ansari Mohammed Saeed Mohammed Ishaque	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

**WITH
WRIT PETITION NO.14303 OF 2016**

Baviskar Anant Devidas	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. C. R. Sadashivan I/by Mr. N. M. Ganguli, Advocate for the
Petitioner in all Writ Petitions.
Ms. Nisha Mehra, AGP for Respondent Nos.1 & 2.
Mr. Rajendra Anbhule, Advocate for the Respondent No.3.
Mr. S. S. Patwardhan, Advocate for Respondent Nos.4 & 5.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 4th JULY, 2019

P.C.

1] Heard learned counsel for the parties.

2] The Writ Petitioners in the captioned Petitions were appointed as lecturers in different disciplines by the 5th Respondent college established by the 4th Respondent Trust. The colleges are affiliated with the 3rd Respondent University.

3] The appointment was on temporary basis. The posts against which they were appointed were in the reserved category. The appointments were made on 02.07.1994, 18.07.1998, 30.07.1999 and 30.11.1996. As per the Petitioners the posts against which they were appointed on temporary basis were advertised to be filled up from amongst the members of the class/category in which the post was reserved for but no candidate was found entitled to be appointed and the process lasted for more than five years. As per the Petitioners if a post which is reserved post is not filled up from a member of the reserved category for five years from the date when the vacancy arose, the post has to be de-reserved. The grievance in the Petitions is to the college not initiating the process of de-reservation by submitting the proposal to the University which in turn has to forward the proposal to

the State Government.

4] Thus, we dispose of the Writ Petitions directing the 5th Respondent to refer the claim of the Petitioners for the post to which they were appointed on temporary basis to be de-reserved. The 5th Respondent shall forward the representation of the Petitioners together with its comments with documents to the Respondent No.3 University, which after apprising the same shall forward the proposal to the Joint Director of Higher Education, Pune Region. The said Respondent would consider the proposal in light of the Government Resolution concerning de-reservation of reserved posts and take the necessary decision.

5] The process shall be completed within six months from today.

N. M. JAMDAR, J

CHIEF JUSTICE