

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

WRIT PETITION NO. 13157 of 2017

Smt. Bhavana Ashok Lohar & anr. ... Petitioners

v/s.

The State of Maharashtra & ors. ... Respondents

Mr. N.V. Bandiwadekar I/b. S.A. Mane for the petitioners.
Mr. S.B.Kalel, AGP for State.

**CORAM : B.R. GAVAI &
DAMA SESHADRI NAIDU, JJ**

3rd APRIL 2019.

P.C.

Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. The petitioner no.1 has approached this Court being aggrieved by the rejection of approval to the appointment of the petitioner no.3 as Shikshan Sevak. The perusal of the reply filed by the State would reveal that the stand of the State is that the approval was rejected on

the ground that the appointment was made after 2nd May 2012 in contravention to the provisions made therein.

3. The issue is no more *res integra*. The Division Bench of this Court in Writ Petition No.8587/2016 with connected petitions to which one of us (B.R.Gavai,J) was a party, vide judgment and order dated 10th July 2017 has observed thus:-

“9.In the result the Writ Petitions are allowed and impugned orders are quashed and set aside. The Respondents – Education Officers are directed to examine independent cases and grant approval to each of the teachers who fall in the following three categories:-

(a) Where the recruitment process is already commenced prior to GR dated 2nd May 2012.

(b) where the appointments made for filling up vacancies in English, Mathematics and Science;

(c) where the recruitment is made to fulfill the backlog or reserve categories candidates;”

4. In the present case the petitioners have specifically made an averment that petitioner no.1 belongs to NT-B category and that the post on which he is appointed is reserved for that category. Though a specific averment is made in that regard, the respondents have not

denied the same. The petitioners have also placed on record an additional material to show that the petitioner no.2 has called for the names of the eligible candidates belonging to reserved category from various competent authorities. It is submitted that petitioner no.1 who had applied in response to the advertisement was considered alongwith all the names and found to be eligible.

5. In that view of the matter, we are inclined to allow the petition. The impugned order is quashed and set aside. Rule is made absolute in terms of prayer clause(b) with no order as to costs.

(DAMA SESHADRI NAIDU, J)

(B.R.GAVAI, J)

L.S. Panjwani, P.S.