

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 WRIT PETITION NO.10354 OF 2018

GAJANAN PANDURANG KOLHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.S. Deshmukh, Advocate for petitioners
Mr. S.P. Tiwari, AGP for respondent Nos.1 to 3
Mr. V.M. Chate, Advocate for respondent No.4

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CORAM : S.V. GANGAPURWALA AND
SMT. VIBHA KANKANWADI, J.
DATE : 01st DECEMBER, 2020

PER COURT :

1 The approval granted to the appointments of the petitioners as Shikshan Sevaks is cancelled under the impugned order passed by the Commissioner.

2 It appears that the Education Officer has granted approval to the appointments of the petitioners vide order dated 22.08.2014.

3 The petitioners are appointed on 15.04.2010 and 16.04.2010 respectively. The ground, on which the approval to the appointments of the

petitioners has been cancelled is, that on 22.08.2014 when the Education Officer had granted approval to the appointments of the petitioners, the sanctioned posts were not available. The petitioners were appointed in the academic year 2010-2011. The impugned order does not state, that as on the date, when the petitioners were appointed, the posts were not available. The posts have been subsequently reduced. The consequences would follow. The same would not impinge upon the appointments of the petitioners vis-a-vis the cancellation of the approval granted to the appointments of the petitioners.

4 In the light of above, the impugned order is quashed and set aside. The Commissioner shall grant approval to the appointments of the petitioners as Shikshan Sevaks from the dates of their appointments i.e. 15.04.2010 and 16.04.2010 respectively. If subsequently the posts have been reduced, the respondents certainly have every right to take further course of action and the consequences would follow.

5 Writ petition accordingly disposed of. No costs.

(Smt. Vibha Kankanwadi, J.)

(S.V. Gangapurwala, J.)