

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15538 OF 2019

Smt. Kumthekar Dhanshree Prakash
and Anr.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr S.T. Shelke, Advocate for Petitioners
Mr V.M. Kagne, AGP for Respondents-State

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 30TH JANUARY, 2020

PER COURT :

1. Mr Shelke, the learned Counsel for the petitioners, on instructions submits that the present petition would be restricted to the extent of petitioner No. 1 and seeks leave to withdraw the petition to the extent of petitioner No. 2 with liberty to file fresh one.

2. The petitioners is allowed to withdraw the writ petition to the extent of petitioner No. 2 with liberty to file fresh writ petition

3. The proposal seeking approval to the appointment of the petitioner No. 1 as a Junior Clerk is rejected on the ground that the proposal was not submitted at camp, the staffing pattern is not sanctioned and that the procedure as required under Rule 5 of the MEPS Rules is not followed.

4. From the order, it does not transpire on what basis, the Education Officer came to the conclusion that the process is not followed. The petitioners contend that the application was given seeking permission to fill-in the post, advertisement was issued and thereafter, selection process was adhered to. All these aspects appear to have been considered.

5. The staffing pattern has been sanctioned under the Government Resolution dated 28.01.2019 for Class-III post.

6. In light of the above, we pass the following order :-

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

(ii) The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner No. 1 for the post of Junior Clerk. It shall not reject on the ground that the staffing pattern is not sanctioned or that the proposal is not submitted in the camp. It shall consider the documents filed by the petitioner seeking permission to fill-in the post,

and that the advertisement is given. The same shall be decided within a period of four months.

6. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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