

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1057 WRIT PETITION NO.6545 OF 2021

SHINDE JYOTI KRUSHNA @ RAJGURU JYOTI SANJAY
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Mr.S.T. Shelke, Advocate for the petitioner.
Mr.S.P. Tiwari, AGP for the respondent/State.
Mr.P.B. Shirsath, advocate for respondent no.3.

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CORAM : S.V. GANGAPURWALA
AND
S.G. DIGE, JJ.

DATE : 14th DECEMBER, 2021

PER COURT :-

. The proposal seeking approval to the post of the petitioner as Shikshan Sevak is rejected.

2. Mr.Shelke, learned counsel for the petitioner submits that earlier also proposals were given but because of ban on the recruitment as per the Government Resolution dated 6th February, 2012, the Education officer has not accepted the proposals. Learned counsel submits that the appointment of the petitioner was on sanctioned vacant post.

3. The learned A.G.P. submits that there was ban on the recruitment of teaching and non-teaching staff as per the Government Resolution

dated 6th February, 2012. The learned A.G.P. further submits that the proposal is submitted after nine years. The appointments are to be made through *Pavitra Portal* as per the Government Resolution dated 23.06.2017 and there is no reason mentioned in the proposal about the vacant post.

4. We have considered the submissions.

5. Ban on the recruitment as per the Government Resolution dated 6th February, 2012 and so also ban on the recruitment as per the Government Resolution 23.06.2017 would not apply to the case of the petitioner, as the petitioner claims to be appointed in the year 2011. The Education Officer is required to consider the said aspect of the matter. The Education Officer certainly has to consider whether the appointment of the petitioner is on sanctioned post, the same can be considered as per the staffing pattern as on the date when the petitioner was appointed. The Education Officer certainly can consider the other aspects of the matter such as educational qualification and roster.

6. In the light of above, the impugned order is quashed and set aside. The Education officer shall reconsider the proposal for approval to the appointment of the petitioner

afresh and shall not reject the same on the ground on which the impugned order is passed. The same shall be decided expeditiously and preferably within four months.

7. The Writ Petition is disposed of. No costs.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)

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