

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.620 OF 2021

AADIWASI KALA SHIKSHAN SANSTHA, KINWAT THROUGH ITS
PRESIDENT RAJU BHIMRAO TARPE ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. Sandip R. Sapkale, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

Mr. A. B. Shinde, Advocate for Respondent No.4.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 26th OCTOBER, 2021.

PER COURT:-

1. The proposal was submitted for approval to the appointments of five employees appointed by the petitioner on 01.11.2019. The same is not granted on the ground that no objection granted for filling in the posts is reconsidered and stayed.

2. The learned counsel submits that, no objection certificate was granted for filling in the posts by respondent no.2 after getting the report from respondent no.4. Pursuant to the no objection granted by respondent no.2, the petitioner issued advertisement and as per the procedure has filled in the posts. Now, no objection cannot be stayed.

3. Mr. Tambe, learned A.G.P. submits that, there were many irregularities committed by the Commissioner at the relevant time while issuing no objection to the aided schools and workshop and report was submitted by Preceding Officer in that office of respondent no.2 to the Government about the irregularities and the Government has appointed three member Committee to enquire into the issue. The Committee randomly examined the irregularities and submitted its report to the Government. That report is not accepted by the Government. In view of the stay to the execution and operation of the no objection certificate, the respondent no.3 has rightly returned the proposals.

4. It appears that, respondent no.2-Commissioner Social Welfare had issued no objection for filling in various posts to the petitioner. Pursuant thereto, an advertisement was issued as contended by the petitioner on 11.08.2019. The five employees were selected and their proposals were forwarded for approval. The same is rejected only on the ground that no objection granted for filling in the posts is to be reconsidered and stayed.

5. Pursuant to the no objection certificate given by respondent no.2, the petitioner had filled in the posts. Five employees are appointed. It is not the fault of the employees. The employees certainly acted upon the no objection and appeared

for the interviews and were selected. Now it would be too late in the day to contend that, no objection granted to the petitioner by respondent no.2 is to be reconsidered and on that count, the proposal for approval is not being attended to.

6. Of course, the competent authority can consider whether the selection process was properly adhered to, the employees appointed possess the necessary qualification, adherence to the roster and all other aspects of the matter.

7. In the result, the impugned order is set aside. The respondent no.3 shall reconsider the proposal seeking approvals to the appointments of employees submitted by the petitioner afresh. It may consider all other relevant aspects of the matter, such as adherence to the selection process, qualification, roster and such other aspects as are permissible, however, shall not reject the said proposal on the ground that, no objection certificate issued by respondent no.2 to fill in the posts is subject to further reconsideration. The said proposal shall be decided preferably within a period of four months from today.

8. Writ Petition accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE