

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1016 WRIT PETITION NO.8754 OF 2021

ANKUSH SHIVRAM KAWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.A.N. Kakade
AGP for Respondent/State:S.P. Tiwari
Advocate for respondent nos.4 and 5: Mr.C.I.
Fernandes

...

CORAM : S.V. GANGAPURWALA
AND

R.N. LADDHA, JJ.

DATE : 16th NOVEMBER, 2021

PER COURT :-

We have heard the learned Advocate for the petitioner, learned counsel for respondent nos.4 and 5 and the learned A.G.P.

2. Proposal to include the name of the petitioner in *Samaj Severth Pranali Portal* is rejected.

3. It appears from the documents placed on record that the petitioner was appointed on 1st September, 2019 as Shikshan Sevak. The appointment of the petitioner as Shikshan Sevak is approved by the Regional Deputy Commissioner, Social Welfare, Aurangabad under order dated 9th March, 2021. As per the impugned communication, the petitioner was appointed as Madatnis on 1st February, 2013. The said appointment was also

approved. Thereafter, in 2019, the petitioner is appointed as Assistant Teacher after acquiring D.Ed. qualification. In the affidavit filed by the respondents reliance is placed on the Government Resolution dated 4th May, 2020 to the effect that fresh appointment could not have been made.

4. The Government Resolution dated 4th May, 2020 would not apply to the case of the petitioner as the appointment of the petitioner is prior to issuance of the said Government. It is not the case of the respondents that the post was not sanctioned post.

5. In view of that the impugned communication is quashed and set aside. The respondents shall consider the proposal of the petitioner for inclusion of the name of the petitioner in *Samaj Severth Pranali Portal* within a period of three months. The said proposal shall not be rejected on the ground on which the impugned communication is issued nor on the grounds raised in the affidavit in reply.

6. Writ Petition is accordingly disposed of. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)