

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

**CIVIL APPLICATION NO. 7912 OF 2020
IN
WRIT PETITION NO. 5031 OF 2020**

State of Maharashtra and Others

..APPLICANTS

VERSUS

Ekta Shikshan Prasarak Mandal, Georai
Through its Secretary and Others

..RESPONDENTS

....

Mr. P.S. Patil, Addl Government Pleader for applicants
Mr. V.D. Salunke, Advocate for respondent nos. 1 and 2

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATED : 05th MARCH, 2021**

PER COURT :

1. The applicants seek modification of order dated 10th August, 2020. Mr. Patil, learned Additional Government Pleader submits that under the impugned order, this Court had observed that ban on recruitment was pursuant to Government Resolution dated 03rd November, 2018 and the petitioner was appointed on 23rd April, 2018. In fact, the ban on recruitment was as per Government Resolution dated 25th May, 2017 . On the day the petitioner is appointed, the ban on recruitment was in force as per Government Resolution dated 25th May, 2017. In light of that, the observations of this Court in the order sought to be modified that ban on

recruitment was under Government Resolution dated 03rd November, 2018 is not in accordance with the facts on record. In view of that the order be modified.

2. We have heard Mr. Salunke, learned counsel for the non-applicant/respondent nos.1 and 2.

3. It appears that under Government Resolution dated 03rd November, 2018, the ban on recruitment was relaxed. The post in the respondent college was vacant since 2015. Staffing pattern was also submitted for verification and same was verified and sanctioned. The petitioner was appointed on 23rd April, 2018. It appears that when the petitioner was appointed, vacant post exist and it was not necessary to create new post. Appointment of the petitioner has been approved by the university. Considering these facts, the order sought to be modified was passed.

4. As the revised staffing pattern was also approved by the authorities and the petitioner is appointed on the vacant post, we are not inclined to modify the order. Civil application is disposed of.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD