

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

51 WRIT PETITION NO.14763 OF 2019

VAISHALI RAMCHANDRA NANAWARE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Chandrakant K. Shinde, Advocate for the
Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.
Mrs. G. R. Jagtap, Advocate for Respondent Nos.4
and 5.

...

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

DATED : 14th SEPTEMBER, 2021.

PER COURT:-

1. Mr. Shinde, learned counsel for the petitioner submits that, the proposal seeking approval to the appointment of the petitioner as Shikshan Sevak is rejected on the ground that, the appointment is not through the Pavitra Portal and as per Circular dated 08.08.2017, so also the proposal is not submitted in CAMP. According to the learned counsel, Pavitra Portal was not in existence, when the petitioner was appointed in the year 2016.

2. The learned A.G.P. submits that, the proposal ought to have been submitted in the CAMP. More over, there was no vacant post available on

the date the petitioner was appointed. It is further submitted that, the proposal is forwarded for approval after the issuance of Circular dated 08.08.2017 and as such, the Education Officer has rightly passed the order. There were further deficiencies, such as roster was not annexed, permission was not obtained and the list of candidates was not called from the District Social Welfare Office. All these aspects were lacking in the proposal of the petitioner. The order is rightly passed.

3. The order cannot be supplemented by an affidavit. The proposal it appears is rejected on two counts that is the appointment is not through Pavitra Portal and the proposal ought to have been submitted in the CAMP.

4. The petitioner is appointed in the year 2016 and the Circular/G.R. for appointment through Pavitra Portal was issued on 23.06.2017. As the appointment of the petitioner is prior to the operation of the Pavitra Portal, the said reasons cannot withstand. It would be too technical to reject on the ground that, the proposal ought to have been submitted in the CAMP. As far as other reasons are concerned, they are not subject matter of the order.

5. The impugned order is quashed and set aside.

6. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner. The petitioner may bring it to the notice of the Education Officer the application for permission given. The Education Officer may consider it on its own merits. The petitioner may produce the roster, which would be considered. The Education Officer shall also reconsider the staffing pattern and the availability of the post before deciding the proposal. The said exercise shall be done preferably within a period of six months.

7. Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE