

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

**WRIT PETITION NO.5323 OF 2022**

1. Dnyaneshwar Bhagwat Kadam .. Petitioners  
Age.35 years, Occ. Assistant Teacher,  
R/o. Z.P. School, Ladnandra,  
Tal. Selu, Dist. Parbhani.

2. Khobraji Ramkishan Walwate  
Age. 37 years, Occ. Assistant Teacher,  
R/o. Z.P. School, Nirwadi,  
Tal. Selu, Dist. Parbhani.

3. Savita Nagorao Esankar  
Age. 40 years, Occ. Assistant Teacher,  
R/o. Z.P. School, Ramnagar,  
Tal. Selu, Dist. Parbhani.

Versis

1. The State of Maharashtra .. Respondents  
Through Secretary,  
Rural Development Department,  
Mantralaya, Mumbai.

2. The Divisional Commissioner  
Aurangabad Division, Aurangabad.

3. The Chief Executive Officer,  
Zilla Parishad, Parbhani.

4. The Education Officer,  
Zilla Parishad, Parbhani.

Mr.B.S. Shinde, Advocate for the petitioners.

Mr.S.B. Yawalkar, AGP for respondent/State.

Mr.PP. Dama, Advocate for respondent Nos.3 and 4.

**CORAM** : R.D. DHANUKA &  
ANIL L. PANSARE, JJ.  
**DATED** : 06.06.2022

**ORAL JUDGMENT : [PER : R.D. DHANUKA,J.] :-**

01. Rule. Mr.Yawalkar, learned AGP waives service for respondent Nos.1 and 2 and learned Counsel Mr. Dama waives service for respondent Nos.3 and 4. Rule made returnable forthwith.

02. By this petition, filed under Article 226 of the Constitution of India, the petitioners seek writ of mandamus against respondent No.3 to consider the claims or representations of the petitioner annexed at Exh. "C" to the petition as per circular dated 28.06.2018 issued by respondent No.1 for giving the postings to the petitioners as per their choices by opening the posts of compulsory vacancies forthwith.

03. Heard. Learned Counsel for the petitioner invited our attention to the unreported judgment of this Court delivered on 20.06.2021 in Writ Petition No.2992 of 2021 – Sanjay Bira Lawate & Ors. Vs. State of Maharashtra & Ors. with connected petition and submits that similar orders may be passed in this petition also, in view of identical issue involved in both

the petitions.

04. Learned Counsel for petitioner Nos.3 and 4 states that his client would decide the said representation annexed at Exh. "C" as per circular dated 28.06.2018 within three weeks from today.

05. The statement is accepted.

06. The order that would be passed shall be communicated to the petitioner within two days from the date of passing of such order. If the representations of the petitioners are allowed, the consequential relief will be granted to the petitioners within four weeks thereafter and if the same are rejected, the petitioners would be at liberty to file appropriate proceeding as permissible in law. It is made clear that this Court has not expressed any view on the merits of the representations made by the petitioner. All contentions of both the parties are kept open. The writ petition is allowed in aforesaid terms. Rule made absolute accordingly.

[ANIL L. PANSARE,J.]

[R.D. DHANUKA,J.]