

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

954 CIVIL APPLICATION NO.14750 OF 2019
IN RAST/22408/2019

THE EDUCATION OFFICER PRIMARY ZILLA PARISHAD NANDED
VERSUS
SANJAY UMAJI KAMBLE AND OTHERS

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Advocate for Applicants : Mr. N. S. Kadam
Advocate for Respondent 1 : Mr. K.P. Rodge h/f. Mr. P.G. Rodge
Advocate for Respondents 2 & 3 : Mr. V. G. Kodale
AGP for Respondent 4 : Mr. K.N. Lokhande

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**CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.**

DATED : 04/03/2022.

PER COURT :

. Heard the learned counsel for the applicant and the learned counsel for the respondents. For the reasons stated in the application, the application is allowed and disposed of. Delay is condoned.

2. Mr. Kadam, learned counsel submits that the applicant was not given proper opportunity to file affidavit and bring all the facts on record. The appointment of the original writ petitioner was without following the due procedure of law as contemplated under section 5 of the MEPS Act. The permission for filling the post from Education Officer was not obtained. The roster was not verified. The petitioner claims to have been appointed in the year 2014. The proposal was

forwarded for the first time in the year 2018. The learned advocate submits that the notice issued was made returnable on 4th December 2018 and on 13th December, 2018, the matter was taken up for hearing. No proper opportunity was given to the applicant.

3. We have heard Mr. Rodge, learned advocate for respondent No. 1. We asked Mr. Kadam, learned advocate for the petitioner as to the date when the original writ petitioner was appointed, whether the post was vacant. The answer is in the affirmative. The petitioner belongs to SC category. This Court considered the judgment delivered by the Principal Seat and observed that as the petitioner belongs to SC category, the ban on recruitment would not apply. The Court also observed that the advertisement was given in Daily Mahasagar Samachar on 28th May 2014 for filling up the clear, vacant and sanctioned post of Shikshan Sevak reserved for SC category. The Court also considered the Government Resolution dated 21.8.2018.

3. In the light of above, we do not find any error apparent on the face of the record. The review petition stands disposed of.

[S.G. DIGE, J.]

[S.V. GANGAPURWALA, J.]