

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11327 OF 2022

Smt. Ekta Mahesh Bhoir & Anr. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr. N.V. Bandiwadekar i/b. Ms. Ashwini N. Bandiwadekar for the petitioners.

Mr. N.C. Walimbe, AGP for the State.

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

DATE : SEPTEMBER 28, 2022.

P.C.:

1. Learned counsel submits that the petitioner no. 1 was appointed as Junior Clerk under appointment order dated 16 September, 2019 with effect from 17 September, 2019. The proposal seeking approval to the appointment of petitioner no. 1 was rejected basically on the basis of Government Resolution dated 12 February, 2015 and 28 January, 2019. Learned counsel submits that after the Government Resolution dated 28 January, 2019 fixing the staffing pattern, the Education Officer has sanctioned the post of Junior Clerk under order dated 22 August, 2019. In light of that, Government Resolution dated 28 January, 2019 and/or 12 February, 2015 would not come to play.

2. As far as the roster is concerned, it is for the petitioners and/or the management to produce the same before the Education officer for

verification of availability of the post for general category.

3. In light of that, the impugned order is quashed and set aside. The Education officer shall consider sanction of post of Junior Clerk under order dated 22 August, 2019. The Management and/or the petitioners shall produce the approved roster of the period the petitioner was appointed. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner afresh and shall take decision on its own merits preferably within four months from the date of communication of present order.

4. Writ Petition is disposed of. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)