

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

WRIT PETITION NO. 3882 OF 2021

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Prashant Rupsingh Rajput

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Swaraj S. Jadahv for the Petitioner
Mrs. P. N. Diwan, AGP for the State
Mr. Chetan Alai for Respondent Nos.4 and 5

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

DATED : NOVEMBER 11, 2022

P.C.

1 The proposal seeking approval to the appointment of the Petitioner as a Shikshan Sevak is rejected on the ground that the back-log of reserved candidate appears.

2 It is submitted that the roster is verified by the B.C.Cell and as per the roster verified by the B.C.Cell, there are 9 posts vacant and out of 9 posts, 3 posts are meant for general category.

3 The learned Counsel for the Institution, on instructions, undertakes that the reserved seats shall also be filled-in and an advertisement would be issued to fill-in the reserved seats. The statement is accepted as an undertaking to this Court.

4 Only because the back-log of reserved seats exists, the proposal ought not to have been rejected. The Dy. Director of Education ought to have considered whether the vacancy for the general (open) category candidate exists. The Petitioner and the Institution relies upon the NOC issued by the Dy. Director of Education to fill up the candidates of general (open) category. Thereafter an advertisement is said to have been issued on 4th June 2014. Said aspect needs to be considered by the Dy. Director of Education.

5 In view of that, the impugned order dated 24th April 2018 and 9th April 2019 are quashed and set aside.

6 The Dy. Director of Education shall consider whether the posts for general category candidate exists and if the posts for the general category exists, then the same shall not be rejected only on the ground that there is back-log of reserved candidate also.

7 Of course, the Dy. Director of Education shall consider other aspects of the matter, such as procedure for appointment of the candidates and qualification. Said proceedings shall be decided preferably within four months.

8 The Writ Petition is disposed of. No costs.

(S.G. DIGE,J.)

(S.V. GANGAPURWALA, J.)