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

WRIT PETITION NO.9287 OF 2022

Vaibhav Shivram Gawas and Anr. Petitioners

Vs.

State of Maharashtra and Ors. Respondents

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

Mrs.P.J.Gavhane, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA &
M.S. KARNIK, JJ.**

DATED : AUGUST 3, 2022

P.C.

1 The proposal seeking approval to the appointment of the
Petitioners as Junior Clerk is rejected.

2 The proposal is rejected basically on the ground that as per
G.R. dated 12.02.2015 permission was not obtained to issue
advertisement and there was ban on recruitment. The Petitioner
claims to have been appointed on 01.04.2014. In view of that, G.R.
dated 01.02.2015 would not apply. Petitioner does claim that the
Management had forwarded a letter on 20.12.2013 to the Education

Officer seeking permission to fill in the post. The Education Officer did not respond to it. Another letter was also forwarded. Subsequently, advertisement was issued in February, 2014. Interviews were conducted on 03.03.2014 and the Petitioner came to be appointed on 01.04.2014.

3 If the Management has given application to the Education Officer and the Education Officer does not respond within reasonable time nor forwards the surplus candidates for absorption then in such circumstances, Management is not expected to wait for an indefinite period.

4 In the present case, Petitioner claims that the Application was given seeking permission to fill in the post on 20.02.2013. In the impugned order, Education Officer is not considering the said fact. Education Officer shall consider whether his Office received application from the Management on 20.12.2013. Secondly, the Education Officer shall also consider whether during the period application was received and appointment of the Petitioner was made whether surplus candidates were sent to the Institution and shall take decision afresh.

5 The impugned order is quashed and set aside.

6 Education Officer shall reconsider the proposal seeking approval to the appointment of the Petitioner as Junior Clerk in the light of the observation made above. Same shall be decided preferably within six months.

7 Writ Petition is disposed of. No costs.

(M. S. KARNIK, J.)

(S.V. GANGAPURWALA, J.)