

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

Writ Petition No. 10631 of 2019

Javed Rajjak Tamboli	...	Petitioner
v/s.		
State of Maharashtra & ors.	...	Respondents

Mr. Shailesh K. More for the Petitioner.

Mrs. S.S.Bhende, AGP for the State.

Mr. S.S.Salunkhe for Respondent No.4.

**CORAM : SUNIL B.SHUKRE &
AMIT BORKAR, JJ.**

26th February 2022

P.C.

Heard learned counsel for the Petitioner. The reply to this petition has not been filed by any of the Respondents.

2. According to learned counsel for the Petitioner, there is no need for any reply to be filed by the Respondents as the only relief the Petitioner is seeking is of remanding the matter to the Education Officer for reconsideration. We would have certainly acceded to such a

request but the facts peculiar to this case do not permit us to do so.

3. The proposal dated 13th July 2014 sent by Head Master of Respondent No.4 school seeking approval of the Education Officer to the appointment of the Petitioner shows that the Petitioner has been appointed w.e.f. 1st July 2012. His such appointment was for filling up the vacancy which had arisen on account of retirement of one teacher on 31st May 2012. The Petitioner has been appointed as Shikshan Sevak w.e.f. from 1st July 2012. By the impugned order dated 13th July 2014 approval has been rejected on the ground that appointment of the Petitioner was made during the period when there was a ban on recruitment as per the GR dated 2nd May 2012.

4. The above referred facts indicate that vacancy had arisen at a time when recruitment ban was in operation and, therefore, these facts also indicate that so far as the present appointment of the Petitioner is concerned, it is an appointment which has been made afresh w.e.f. 1st July 2012 and, therefore, it has got nothing to do with the earlier appointment of the Petitioner, which the learned Counsel for the Petitioner submits, was made in the year 2010. The proposal dated 13th July 2014 clearly shows that the appointment of the Petitioner was fresh as it states that it has been made w.e.f. 1st July 2012 and not with effect from any date of the year 2010. So, the appointment has been made in violation of the recruitment ban and, therefore, we find

nothing illegal in the impugned order. The Petition is, therefore, dismissed. No costs.

(AMIT BORKAR,J)

(SUNIL B.SHUKRE,J)

Lata Panjwani, P.S.