

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5174 OF 2019

Nilesh Madhukar Sagbhor

..Petitioner

V/s.

The State of Maharashtra & Ors.

..Respondents

Mr. N. V. Bandiwadekar a/w. A. N. Bandiwadekar for the
Petitioner.

Mr. S. B. Kalel, AGP for Respondent-State.

CORAM : SUNIL B. SHUKRE AND
G. A. SANAP, JJ.

DATE : 28 FEBRUARY 2022

P. C.

Rule. Rule made returnable forthwith by consent of
parties.

2. There is no dispute about the fact that appointment
of Petitioner as Shikshan sevak has been made on the post
reserved for S.T. category and it was made to fulfill the backlog of
reserved category candidates. The factual position of this case
leaves no doubt that it is squarely covered by the view taken by
this Court in similarly situated candidates in the case of *Ms.
Usmani Azimunnisa Qazi Izharul Haq vs. The State of
Maharashtra and Ors.*, whose petition being Writ Petition

No.5805/2018 has been allowed by this Court vide judgment dated 19/10/2018 and the said judgment followed the view taken in Writ Petition No.8587/2016 with connected matter decided on 10/7/2017. Said Ms. Usmani is one of the candidates whose approval to the appointment has been refused by order which is impugned by the Petitioner in the present case.

3. Learned AGP also does not dispute this fact.

4. In view of above, the Petition is allowed and Respondent No.2- Deputy Director of Education is directed to grant approval to the appointment of the Petitioner initially as Shikshan Sevak and subsequently as Assistant Teacher made from the date shown in the impugned order with consequential benefits including payment of honorarium, salary and arrears of honorarium and salary for which purpose the name of the Petitioner shall be entered in the Shalarth system and Shalarth ID shall be allotted to the Petitioner at the earliest and in any case within 4 weeks from the date of the order.

5. Rule accordingly. No costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)