

Diksha Rane

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

WRIT PETITION NO. 1537 OF 2021

Smt. Dipa Laxman Sawant ..Petitioner
VS.
The State of Maharashtra & ors. ..Respondents

Mr. Prashant Bhavake for petitioner.
Mrs. S. S. Bhende, AGP for State.

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

DATE : AUGUST 4, 2022.

P.C. :

1. The proposal for seeking individual approval to appointment of the petitioner to the post of Shikshan Sevak is rejected.
2. Heard learned counsel for the petitioner and learned AGP.
3. The proposal is rejected on the ground that prior permission is not obtained for issuing advertisement and that advertisement is not issued. Learned counsel points out the application dated 21/12/2012 to submit that the application was given by the Management seeking permission to fill in the post from the General category candidates. The copy of the advertisement is also placed on record.

4. One other ground is that as per Government Resolution (G.R.) dated 24/8/2018, the petitioner is not eligible. The petitioner is appointed on 12/1/2013 and therefore, the G.R. dated 24/8/2018 would not apply.

5. One other reason is stated that there is a backlog of reserved category. The Education Officer ought to have verified whether there is post available for General category candidate. The directions can be given to fill in the reserved category post.

6. In the light of the above, the impugned order is quashed and set aside.

7. Education Officer shall consider the application of the Management seeking permission to fill up the post of General category candidates and to issue advertisement and then proposal shall not be rejected on the ground that no prior permission is sought and advertisement was not issued.

8. Education Officer shall also consider whether the post of General category was available and if it is available then shall not reject the proposal on the ground that backlog of filling in reserved post exist.

9. Education Officer shall take a fresh decision, preferably within one (1) month.

10. The writ petition is disposed of. No costs.

(M. S. KARNIK, J.)

(S. V. GANGAPURWALA, J.)