

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2157 OF 2022**

Atul Kisan Machale & Ors. ... **Petitioners**  
Versus  
The State of Maharashtra & Ors. ... **Respondents**

**WITH**  
**WRIT PETITION NO. 1793 OF 2022**

Vaibhav Bajirao Bhoirkar & Ors. ... **Petitioners**  
Versus  
The State of Maharashtra & Ors. ... **Respondents**

Mr. Laxman S. Deshmukh, Advocate for the Petitioners.

Mr. V. M. Mali, AGP for the Respondents/State.

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

**DATED : JUNE 20, 2022**

**P.C.**

1. The proposals seeking approval to the appointment of the petitioners as junior clerk and laboratory assistant are rejected.
2. The petitioners claim to have been appointed on 30<sup>th</sup> May 2019. It is submitted that the Management on 22<sup>nd</sup> April 2019 sought permission to advertise the post of Junior Clerk and Laboratory Assistant. No response was received and thereafter in the month of May 2019 the advertisement was issued and the petitioners are appointed.
3. The affidavit is filed by the Education Officer. The

Education Officer does not dispute the communication dated 22<sup>nd</sup> April 2019 from the Management seeking permission to publish advertisement to fill in one post of Junior Clerk and Laboratory Assistant each. It is also not in dispute that the Education officer did not send surplus Junior Clerk or Laboratory Assistant for absorption in the respondent institution.

4. The Government Resolution is already issued on 28<sup>th</sup> January 2019 sanctioning the staffing pattern of Class III posts.

5. In light of above, the impugned orders are quashed and set aside.

6. The Education Officer shall reconsider the proposals for approval to the appointment of the petitioners as Junior Clerk and Laboratory Assistant. It shall not be rejected on the ground that the Management has not sought permission to fill in the posts and shall consider whether the post was available as per the Government Resolution dated 28<sup>th</sup> January 2019 and sanctioned. The decision shall be taken preferably within four months.

7. Writ petitions are disposed of. No costs.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

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