



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 5872 OF 2024

Aneshwar Mahadeo Khotte Vs. Assistant Commissioner (Backward Class Section), Amravati
Division and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U.J. Deshpande, Advocate for petitioner.

Mr. A.M. Kadukar, Assistant Government Pleader for respondent Nos. 1 to 3.

**CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.**

DATED : 03-10-2024

Pursuant to the advertisement published by the respondent No. 4 Society inviting applications to the three posts, out of which one was reserved for Scheduled Caste and another two reserved for Scheduled Tribe, one Mr. Hiwrale, was appointed on the post reserved for Scheduled Caste category and Mr. Lamak belonging to the Other Backward Category, came to be appointed along with the petitioner on 27.5.2000.

2. Pursuant to the appointment, the respondent No. 5 School submitted proposal to the respondent No. 3 and the approval came to be granted to the appointment of the other two persons but as far as the petitioner is concerned, his approval was rejected by stating, that he should be appointed as Shikshan Sevak.

The respondent No. 4 – Society, once again, issued an advertisement advertising the post for Scheduled Tribe Category but since the Scheduled Tribe Category candidate were not available, the petitioner was appointed on 30.11.2000 in the Pay Scale of

Rs. 5000 – Rs. 9000 as a “Trained Graduate Teacher” on un-aided basis and this appointment was duly approved by the Education Officer and since then, the petitioner is discharging his duties, is what the petitioner claims.

3. On 2.1.2024, Assistant Commissioner, Backward Class Cell addressed communication to the Additional Secretary, GAD, Gov. of Maharashtra, stating grievance in respect of non-compliance of the roster point in Swargiya Narayanrao Wankhede Vidyalaya, Adsul, Tahsil Shegaon, District Buldana, wherein he indicated that the appointment given to the petitioner was from the Open Category and the approval given by the Education Officer, therefore, is in the teeth of the lapse of not filling up the post from Scheduled Tribe candidate. The Additional Chief Secretary, immediately responded on 1.3.2024 and the necessary report was called from the Education Officer. The Education Officer vide his communication dated 12.4.2024, addressed to the Backward Cell justifying the appointment of the petitioner and the grant of approval.

4. The petitioner is aggrieved by a communication from respondent No. 4 Management dated 6.8.2024, asking him to show cause as to why his services shall not be terminated.

5. In normal circumstances, we would not have interfered in the show cause notice as the petitioner is yet to file his reply to the

notice received by him but, considering the long length of service of petitioner i.e. since 2000, and looking at the response of the Education Officer, who has justified the grant of approval to the appointment of the petitioner, though he belong to Open Category, though we do not intend to, in any manner, interfere with the decision making process and permit the Backward Class Cell as well as the employer to determine this issue, till then we direct that the services of the petitioner should not be disturbed. Needless to state that in an appropriate proceeding is taken till the decision adverse to the petitioner shall not given effect to for a period of two weeks so as to enable him to approach this Court.

6. The petition stands disposed of.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)