

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4004 OF 2016

Sou. Vasanti Rajesh Pawar & Anr. ... Petitioners

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Sagar A. Mane for the Petitioners.

Ms. T.J. Kapre, A.G.P. for the Respondent No.1-State.

Mr. Rupesh K. Bobade a/w. Ms. Shradha Nakadi for Respondent No.2.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 15th October 2025.

ORAL ORDER (Per : M. S. Karnik, J.)

1. Heard Mr. Mane, learned counsel for the Petitioners, Ms. Kapre, learned A.G.P. for the Respondent No.1-State and Mr. Bobade, learned counsel for the Respondent No.2-Zilla Parishad, Solapur.

2. Ms. Kapre, learned A.G.P. for the Respondent No.1-State and Mr. Bobade, learned counsel for the Respondent No.2-Zilla Parishad, Solapur opposed the Petition.

3. The challenge in this Petition is to the order dated 2nd November 2015 issued by the Respondent No.2-The Education Officer (Primary), Zilla Parishad, Solapur, refusing to grant approval to the appointment of the Petitioner No.1 as Shikshan Sevak in the school, which is run by the Petitioner No.2-institution.

4. The Petitioner No.2 is the Educational Institution which runs primary school. Petitioner No.1 is H.S.C. B.Ed. and belongs to V.J.N.T. category. Since two posts of Assistant Teachers were vacant in the school, an advertisement dated 28th May 2012 was issued to fill up the posts for the academic year 2012-2013. Petitioner No.2 by his letter dated 29th May 2012 requested Respondent No.2-Education Officer for permission to fill up the vacant posts. It was also informed that requisition is sent to the Social Welfare Officer to send eligible candidates. The Petitioner No.1 was appointed as Shikshan Sevak with effect from 15th June 2012 and proposal was forwarded to the Respondent No.2. The Respondent No.2 granted approval to the appointment of the Petitioner No.1 as Shikshan Sevak with effect from 15th June 2012. Without any notice to the Petitioners, the Respondent No.2 cancelled the approval granted on the ground that there is ban on the recruitment vide Government Resolution (G.R.) dated 2nd May 2012.

5. There are averments made regarding filing of Writ Petition Nos.

3811 of 2013 and 3812 of 2013 filed by other Shikshan Sevak's, however nothing much will turn on the decision in the said Writ Petitions.

6. Suffice it to observe that approval of the Petitioner No.1 was cancelled on the ground that there was a ban on the recruitment vide G.R. dated 2nd May 2012. This Court in the case of *Smt. Munoli Rajashri Karabasappa Vs. State of Maharashtra, Through Secretary & Ors., in Writ Petition No. 8587 of 2016 and other connected matters*, by an order dated 10th July 2017 has held that the ban on recruitment vide G.R. dated 2nd May 2012 cannot be imposed for recruitment under three categories. One of the category is where the recruitment is made to fill backlog of reserved category candidates.

7. The material on record clearly reveals that the Petitioner No.1 was appointed in the post belonging to V.J.N.T. category. The advertisement was for two posts one for S.T. category candidate and one for V.J.N.T. category candidate. So far as the post reserved for S.T. category candidate is concerned, since no candidate from the S.T. was available, the candidate from open category was appointed. That is a different subject matter. However, so far as the post of V.J.N.T. category on which the Petitioner No.1 was appointed, even approval to the appointment of the Petitioner No.1 was granted because the Petitioner No.1 belongs to V.J.N.T. category. The approval of the Petitioner No.1 was cancelled only

on account of the ban being imposed.

8. In view of the decision of this Court in the case of *Smt. Munoli Rajashri Karabasappa* (supra), the impugned order will have to be quashed and set aside.

9. The Petition is therefore allowed in terms of prayer clauses (b) and (c).

10. The Deputy Director of Education to issue Shalarth I.D. to the Petitioner No.1 within a period of eight weeks from the date of communication of this order.

11. Arrears due to the Petitioner No.1 are to be paid within a period of four months from the date of communication.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]