

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3024 OF 2012

1. The State of Maharashtra,
2. The secretary to Government
Revenue and Forest Department
Mantralaya, Mumbai – 32.
3. The Collector, Jalna ...Petitioners

versus

Dnyanoba s/o Gopalrao Sable
Aged ____ years, working as
Unpaid Candidate in the office
of the Tahsildar, Jafrabad
District Jalna ...Respondents

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Mr. G.K. Naik-Thigle, advocate for the petitioners
Mr. S.D. Dhongde, advocate for respondent

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 26th JUNE, 2015

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.):

1. Mr. Thigle, the learned Additional Government Pleader submits that the Tribunal while passing the impugned order has failed to consider the subsequent Government Resolution dated 23.9.2011, wherein the policy of absorption has been done away with which was earlier pursuant to the Government Resolution dated 10.3.2005.

According to the learned Additional Government Pleader, the respondent cannot have back door entry. The Government Resolution dated 22.10.1996 was in force and unpaid candidate was required to complete 10 years of service as on 30.11.1995. The respondent did not satisfy the said criteria. The Tribunal has wrongly awarded the benefit to the respondent.

2. Mr. Dhongde, the learned counsel for the respondent relies upon the order passed by the Apex Court in the case of ***Yashwant Arjun More and others vs. State of Maharashtra and others, in civil appeal No. 4633 of 2007*** so also the judgment of the Division Bench of this Court in the case of ***Shri Shivshankar Gundu Jawanjal vs. State of Maharashtra, reported in 2007 (3) Mh.L.J. 43*** and states that the respondent is entitled for the benefit of Government Resolution dated 10.3.2005.

3. It is not disputed that the respondent would be covered by the Government Resolution dated 10.3.2005. He had completed more than 10 years of service. Even accepting the case of the petitioners that the respondent was appointed on 1.7.1986, as unpaid employee and same was approved by the Collector by order dated 28.9.1987, the respondent would be still entitled in view of Government Resolution dated 10.3.2005 so also of the judgment of the Apex

Court in the case of ***Yashwant Arjun More vs. State of Maharashtra (supra)***.

4. In the light of above, the Tribunal has not committed any error.

Writ petition, as such, is dismissed. No costs. Rule discharged.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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