

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**(1)**

**WP NO.11426/2014**

**WRIT PETITION NO. 11426 OF 2014**

Parmeshwar s/o Ganesh Dokat @ Sakhare  
Age 30 years, occu. Service,  
r/o. Nagsen High School, Prabhat Nagar,  
Nanded, Tq. & Dist. Nanded.

**...PETITIONER**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
School Education Department,  
Mantralaya, Mumbai.
2. The Education Officer (Secondary),  
Zilla Parishad, Nanded.
3. The Nagsen High School,  
Prabhat Nagar, Nanded,  
Tq. & Dist. Nanded.  
Through Head Master.
4. The People's Education Society,  
C/O. Nagsen High School,  
Prabhat Nagar, Nanded,  
Tq. & Dist. Nanded  
Through Secretary.

**...RESPONDENTS**

...  
Mr. Mahesh V. Ghatge, Advocate for Petitioner  
Mr. V.H. Dighe, AGP for Respondents No. 1 & 2  
Respondent nos. 3 & 4 served.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.  
Dated: March 23, 2015

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AGP/-

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(2)

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**PER COURT :-**

1. Heard. Rule. Rule made returnable and heard forthwith with the consent of the parties.

2. This petition is filed with following prayer:

"A. The impugned order dated 15.11.2014 passed by Education Officer (Secondary), Zilla Parishad, Nanded, thereby cancelling approval of petitioner and directing deposit of amount, may kindly be quashed and set aside."

3. It is the case of the petitioner that he was appointed as Peon as per Scheme of compassionate appointment on sanctioned post on 1st September, 2009, and on 29.12.2012, approval to his appointment was granted by the Education Officer. The petitioner's services were made permanent after probation and same was approved by Education Officer on 2nd November, 2013. On 6th September, 2014, Education Officer issued notice to the petitioner and by order dated 15th November, 2014, the Education Officer cancelled the approval, and directed to deposit salary amount observing that the post on which the petitioner is working is not according to Government Resolution dated 25th November, 2005, and therefore, not entitled for grant in aid.

4. Learned Counsel appearing for the petitioner has tendered across the Bar, Government resolution dated 23rd October, 2013, and pressed into service clause 2 and 8 of the said

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Government Resolution and submits that the Government Resolution dated 25th November, 2005, on which Education Officer has placed reliance, has never been acted upon, or approved by the State. He submits that on this ground the petition deserves to be allowed.

5. On the other hand, learned A.G.P. invited our attention to the Government Resolution dated 23rd October, 2013, and submits that the Government Resolution dated 25th November, 2005, on which Education Officer has placed reliance has been superseded and, therefore, liberty may be given to the respondents to consider the case of the petitioner in the light of the Government Resolution dated 23rd October, 2013.

6. We have considered the submissions of learned Counsel for the petitioner, learned A.G.P., and with their able assistance, perused the grounds, pleadings, and annexures to the petition, and we are of the opinion that the Government Resolution dated 25th November, 2005, was not acted upon by the State Government, and also, by the subsequent Government Resolution dated 23rd October, 2013, issued by the respondent State, the Government Resolution dated 25th November, 2005, stands superseded.

In that view of the matter, Rule made absolute in terms of prayer clause (A), however, we grant liberty to the respondents, in case they desire, to consider the case of the petitioner in the light

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of the Government Resolution dated 23rd October, 2013, referred here-in-above.

Petition stands disposed of in above terms.

( P.R. BORA, J. )

( S.S. SHINDE, J. )

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