

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9690 OF 2010

Ambadas Jivanrao Deshmukh

.. **Petitioner**

Versus

The State of Maharashtra and others .. **Respondents**

Mr. V. P. Golewar, Advocate for the Petitioner.

Mr. V. S. Badakh, A.G.P. for the Respondent / State.

Mr. Sharad V. Natu, Advocate for Respondent Nos. 3 and 4.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 17th DECEMBER, 2018

PER COURT :

1. We have heard the learned counsel for the petitioner, learned counsel for the Management and the learned Assistant Government Pleader. None appears for respondent no. 2 – Education Officer (Primary), Zilla Parishad, Nanded.

2. The petitioner is appointed as 'Clerk' on 01.03.2004. The petitioner had joined as 'Clerk' on the said date. The proposal was submitted by the Management seeking approval to the appointment of the petitioner and same was approved under order dated 12.07.2004, in the pay scale of Rs. 3050-4050 on probation for a period of two years. Subsequently, on 30.10.2004, the approval order granted to the petitioner was modified and approval was granted from 19.07.2004 on probation, that too, on honorarium.

3. While modifying the order of approval, reliance has been placed on Government Resolution dated 12.07.2004. The said Government Resolution would not apply, as the appointment of the petitioner is much prior to said Government Resolution dated 12.07.2004. The said Government Resolution cannot be applied with retrospective effect.

4. In the light of that, the impugned order is

quashed and set aside. The petitioner shall be entitled for necessary consequential relief.

5. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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