

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 7746 OF 2017**

Manjiram Munjappa Raut .. Petitioner  
Age: 37 years, Occu: Service as peon  
R/o. Aundha Nagnath,  
Tq. & Dist. Hingoli.

**Versus**

- 1) The State of Maharashtra ,  
Secondary Education Department,  
Mantralaya, Mumbai.
- 2) Education Officer (Secondary),  
Zilla Parishad, Hingoli.
- 3) Mauli Dnuyaneshwar Education Society  
Belkheda.  
Through its President/Secretary  
Khanderao Kishanrao Aghav,  
R/o. Belkheda,  
Tq. Jintur, Dist. Parbhani.
- 4) The Head Master,  
Nagnath Secondary and Higher Secondary  
High School Aundha Nagnath  
Tq. & Dist. Hingoli. .. Respondents

Shri. S. V. Mundhe, Advocate for Petitioner.

Shri. K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S.V. GANGAPURWALA AND  
SUNIL K. KOTWAL, JJ.  
DATED : 04<sup>th</sup> June, 2018**

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

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. Under the impugned order the approval granted to the petitioner has been canceled.

3. Heard Mr. Mundhe, learned counsel for the petitioner and the learned A.G.P.

4. The petitioner is appointed on 22.09.2011. The approval is also granted to the appointment of the petitioner as 'Peon' under order dated 26.03.2013 for three years. Thereafter, on completion of three years he has been granted permanent approval under order dated 08.05.2015. Under the impugned order the approval is canceled on the basis of the

Government Resolution dated 06.02.2012. The ban on recruitment imposed vide Government Resolution dated 06.02.2012 would certainly not apply to the appointment made in the year 2011. Moreover, the Education Officer had considered all the relevant aspects of the matter while granting the initial approval for three years and subsequently while granting permanent approval.

5. The order is passed on erroneous count.

6. Considering the above, the impugned order is quashed and set aside. Rule accordingly made absolute. No costs.

**[ SUNIL K. KOTWAL, J. ]**

**[ S. V. GANGAPURWALA, J. ]**