

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15333 OF 2017

Vishwanath Vithalrao Sontakke .. **Petitioner**

Versus

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

Shri V. J. Dhage, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent No. 1.

Shri D. S. Mali, Advocate for Respondent No. 2.

Shri M. S. Patil, Advocate for Respondent No. 3.

CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE : 26th June, 2018

PER COURT :

1. Mr. Dhage, learned counsel for the petitioner submits that the petitioner is appointed on 19.03.2012 after following due procedure of law. The appointment of the petitioner is also approved under order dated 27.04.2012. The learned counsel submits that for permanent approval the proposal was sent. The proposal is rejected on the ground that there was ban on recruitment as per the Government Resolution dated 2nd May, 2012. However, the learned counsel submits that the said

Government Resolution would not apply.

2. We have heard Mr. Mali, learned counsel for respondent no. 2, who submits that there are surplus Peons and as per Government Resolution dated 2nd May, 2012, there was ban on recruitment.

3. The petitioner is appointed as a Peon on 19.03.2012. The proposal seeking approval to the appointment of the petitioner as a Peon is forwarded to the Education Officer. The Education Officer under order dated 27.04.2012, approved the appointment of the petitioner as a Peon. Thereafter, the proposal seeking permanent approval was forwarded.

4. The appointment of the petitioner is prior to Government Resolution dated 2nd May, 2012. The same would not apply to the appointment made prior to the enforcement of the said Government Resolution, more particularly, when the appointment of the petitioner on probation is also approved prior to the issuance of the Government Resolution dated 2nd May, 2012.

5. In the light of above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner afresh, on its own merits, in accordance with law and shall not reject it on the ground of Government Resolution dated 2nd May, 2012. The same be decided expeditiously and preferably within a period of four (4) months.

6. Writ Petition accordingly stands disposed of. No costs.

[SUNIL K. KOTWAL, J.]

[S. V. GANGAPURWALA, J.]

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