

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

80 WRIT PETITION NO.5292 OF 2018

JAGDISH DIGAMBARAO HIRVE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. R. R. Suryawanshi, Advocate for the Petitioner.
Mrs. P. V. Diggikar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 26th FEBRUARY, 2019.

PER COURT:-

1. The grievance of the petitioner is that the proposal forwarded by the management seeking approval to the appointment of the petitioner as Peon is not yet decided though filed in the year 2008 (Exhibit-H, Page-25). The affidavit is filed by the Superintendent Class-II in the office of Education Officer (Secondary). Though initially it is stated that appointment of the petitioner is not as per the provisions of the MEPS (Conditions of Services) Rules, 1981, no details are given in the notice about it. The affidavit further relies on the Government Resolution dated 02.05.2012, 20.06.2014 and 12.02.2015. The said Government Resolutions are much subsequent to the appointment of the petitioner. The appointment of the

petitioner would not been governed by the subsequent Government Resolutions, but as per the Government Resolution applicable as on the date the petitioner was appointed.

2. In light of the above, we pass the following order:

ORDER

i) The proposal seeking appointment of the petitioner as Peon shall be decided by Education Officer in accordance with law and as per the Government Resolution as applicable as on the date the petitioner was appointed after considering all other aspects of the matter on its own merits, preferably within a period of four months.

3. Writ Petition is disposed of. No costs.

(A. M. DHAVALA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE