

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7101 OF 2019

Altaf Umer Kupe ... Petitioner
Vs.
The State of Maharashtra and others ... Respondents

Mr. N. V. Bandiwadekar i/b. A. N. Bandiwadekar for Petitioner.
Mr. C. D. Mali, AGP for Respondent Nos.1 and 2-State.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 18, 2019

P.C. :

Heard Mr. Bandiwadekar, learned counsel for the petitioner and Mr. Mali, learned AGP for respondent Nos.1 and 2-State.

2. By filing this Petition under Articles 226 / 227 of the Constitution of India, petitioner has challenged the legality and validity of order dated 26.09.2017 (exhibit-E) passed by respondent No.2. As per the said order, proposal submitted by Panvel Education Society for approval to the appointment of the petitioner as a full time Peon in the National Urdu High School, Taloja, Taluka Panvel, District Raigad managed by Panvel Education Society was returned.

3. Contention of the petitioner is that petitioner was appointed in the year 2013 whereas respondent No.2 declined approval on 26.09.2017 on the basis of Government Resolution dated 23.06.2017 and Finance Department's Government Resolutions dated 25.05.2017 and 30.06.2017 which were issued post appointment of the petitioner.

4. On 09.10.2019, the following order was passed:

“2. Learned counsel for the petitioner submits that approval to the appointment of the petitioner was declined by the Education Officer (Secondary) by relying on Government Notifications, which were issued post appointment of the petitioner. He, therefore, submits that matter may be remanded

back to the Education Officer (Secondary) to reconsider the case of the petitioner *dehors* the post appointment Government Notifications.

3. Learned AGP prays for time to seek instructions.”
5. Mr. Mali fairly submits that he has not received any instructions.
6. Considering the submissions made by learned counsel for the petitioner and taking an overall view, order dated 26.09.2017 passed by respondent No.2 is set aside. Matter is remanded back to respondent No.2 for reconsideration of the proposal of Panvel Education Society for grant of approval to appointment of the petitioner as full time Peon in the National Urdu High School. On such remand, respondent No.2 shall reconsider the matter on the basis of the relevant Government Rules and Regulations holding the field at the time of appointment of the petitioner and pass appropriate order in accordance with law within a period of two months from the date of receipt of an authenticated copy of this order.
7. Writ Petition is accordingly disposed of.

(UJJAL BHUYAN, J.)

Minal Parab