

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

WRIT PETITION NO. 5614 OF 2020

Vinod s/o Barku Borhade

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.T. Shelke, Advocate for petitioner

Mr P.S. Patil, Addl.G.P. for respondents no.1 and 2

Mr S.S. Wagh, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 9th September 2020

PER COURT:

1. The proposal seeking approval to the appointment of petitioner as a Junior Clerk is rejected.

2. As far as ground No.1 is concerned, the same would not subsist as the Government Resolution dated 28th January 2019 is issued fixing staffing pattern. As far as ground of Government Resolution dated 4th May 2020 is concerned, the same would not be relevant. The appointment of the petitioner is dated 1st October 2019, whereas Government Resolution dated 4th May 2020 bars the further recruitments. The same is not given retrospective effect. The said ground cannot subsist.

3. As far as the surplus Junior Clerks are concerned, there is nothing on record to conclude that Junior Clerks were referred to the institution, where the petitioner is working and it has not absorbed them. Be that as it may, we do not have that record before us.

4. In light of that, the impugned order is quashed and set aside. The Education Officer is directed to decide proposal seeking approval to the appointment of the petitioner as a Junior Clerk afresh. The same be concluded in four months.

5. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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