

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

74 WRIT PETITION NO.7907 OF 2019

MANISH CHETANDAS GAJBHIYE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sudhir K. Chavan h/f Mr. Ankush N. Nagargoje,
Advocate for the Petitioner.

Mr. V. N. Patil-Jadhav, AGP for Respondents-State.

...

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

DATED : 02nd MARCH, 2020.

PER COURT:-

1. The petitioner is appointed on 27.08.2013 as Secretary of respondent no.5. Though, he was appointed in the year 2013, the proposal was submitted for approval of appointment in the year 2018. The same is negatived on the ground that the Panel of Secretary is valid only for three years.

2. We have heard the learned counsel for the petitioner, learned A.G.P., so also we have also gone through the affidavit filed by the respondents.

3. The respondents are harping on the fact that the petitioner has remedy of Appeal and so also that the proposal was submitted late. The validity of the Panel of Secretary is for three

years. The Panel was prepared by order dated 07.01.2013 for the period 07.01.2013 to 06.01.2016.

4. The validity of the Panel is for three years. The petitioner is appointed within the period of three years. It is a case of late submission of proposal for approval. The respondent-Authority was required to consider the said proposal on its own merits. It has not taken the decision on merits and only on the ground that the period for Panel is over has negatived it.

5 In light of that, impugned communication is set aside.

6. The proposal shall be decided on its own merits preferably within a period of four months.

7. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE