

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7129 OF 2020

Kavita D/o Sarichand Rathod ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

Mr P.B. Patil, Advocate for Petitioner
Mr S.K. Tambe, A.G.P. for Respondent Nos. 1 to 4
Mr M.D. Gitte, Advocate for Respondent No. 5

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

DATE : 9th MARCH, 2021

PER COURT :

1. The proposal seeking approval to the appointment of the petitioner is rejected on the basis of the Government Resolution dated 16.10.2012 and 06.12.2012. Under the said Government Resolution/Circular, communication is made that all the surplus candidates should be absorbed 100 % and thereafter, only new appointment should be made.

2. Mr Patil, the learned counsel points out that the appointment of the petitioner is much prior to the Government Resolution and Circulars dated 16.10.2012 and 06.12.2012. The appointment of the petitioner is on 1st May, 2012.

3. We have heard the learned Assistant Government Pleader. The Circular and Government Resolution referred to therein are subsequent to the appointment of the petitioner. The said Government Resolution is not applicable to the appointment made prior to issuance of the said Government Resolution/Circular. The Assistant Commissioner has relied upon the circular and the Government Resolution dated 16.10.2012 and 06.12.2012 whereas the appointment of the petitioner is prior to the said Government i.e. on 1st May, 2012.

4. In light of that, the impugned order is quashed and set aside.

5. The Assistant Commissioner shall decide the proposal seeking approval to the appointment of the petitioner afresh. The Assistant Commissioner shall also consider all the other relevant aspects of the matter.

6. The proposal shall be decided preferably within a period of four months.

7. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

mta