

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

992 WRIT PETITION NO.13057 OF 2019

SIDDHESHWAR VINAYAK GUTTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. V. S. Panpatte
AGP for Respondents/State: Mr. K. N. Lokhande
Advocate for Respondent Nos.3 & 4: Mr. Bhaskar P. Gonare

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 12th October, 2021

P.C. :

1. The proposal seeking approval to the appointment of the petitioner as Peon is rejected on the ground that as per the Government Resolution dated 21.08.2019, unless the staffing pattern is approved for Class-IV/non-teaching staff, the post cannot be filled in. The reliance is placed on the Government Resolution dated 11.12.2020 to suggest that, after the person retired from the said post, the post would lapse.

2. Government Resolution dated 21.08.2019 and Government Resolution dated 11.12.2020 are much after the appointment of the petitioner. The petitioner claims to have been appointed on the post of Peon on or about 01.07.2016. The

Government Resolution, placed reliance upon, would not apply with the retrospective effect. It may not affect the person already appointed prior to the same.

3. In light of the above, the impugned order is quashed and set aside. The authority shall reconsider the proposal seeking approval to the appointment of the petitioner afresh and shall not reject it on the ground of Government Resolution as referred to in the order and also Government Resolution dated 11.12.2020. The same shall be decided as expeditiously as possible, preferably within a period of four months.

4. The writ petition is disposed of accordingly. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)