

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6447 OF 2021

Sudhakar s/o Shripati Gandhale & Ors.Petitioners

VERSUS

State of Maharashtra & Ors. Respondents

**ALONG WITH
WRIT PETITION NO.6450 OF 2021**

Ramchandra Suryakant Tarange & Ors.Petitioners

VERSUS

State of Maharashtra & Ors. Respondents

Mr.Vilas S. Panpatte for the Petitioners in both petitions.

Mr.N.K. Rajpurohit, AGP for the respondent nos.1 to 3-State in both petitions.

Mr.Suryajeet P.Chavan i/by Mr.V.A.Sugdare for the respondent nos.4 to 7 in both petition for Institution.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 7th OCTOBER, 2021

P.C:-

Matters are on board and are mentioned out of turn at 04.45 p.m.

2. Rule. Learned counsel for the respondents waive service. By consent of parties, the petition is heard finally.

3. By these petitions filed under Article 226 of the Constitution of India, the petitioners have impugned the order dated 2nd July, 2021 passed by the respondent no.3 rejecting the approval of the appointment of the petitioners by relying upon the amended Rule 41(a) (d).

4. It is not in dispute that the petitioners were appointed prior to the date of the said Government Resolution. We have perused the Government Resolution. We are of the view that the said Government Resolution does not apply with retrospective effect. The impugned order dated 2nd July, 2021 is *ex-facie* perverse and contrary to the well settled principles of law in catena of decisions and thus deserves to be set aside. Writ petition is accordingly made absolute in terms of prayer clauses (c) and (d).

5. It is made clear that the payment due shall be made within eight weeks from today and not six weeks.

6. Writ petition is disposed of in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

7. The respondent no.3 shall include the name of the petitioners in Writ Petition No. 6447 of 2021 in Shalarth ID within two weeks from the date of granting approval.

8. The respondent no.2 shall include the name of the petitioners in Writ Petition No. 6450 of 2021 in Shalarth ID within two weeks from the date of granting approval.

9. The parties to act on the authenticated copy of this order.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]