

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2401 OF 2019

Prashant Ramchandra Delekar ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

**ALONG WITH
WRIT PETITION NO.2187 OF 2020**

Sachin Vilas Kamble ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

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Mr. Prashant Bhavake, for the Petitioners.

Mr. V.M. Mali, AGP, for Respondent Nos. 1 to 5 in WP/2401/2019.

Mr. P.N. Diwan, AGP, for Respondent Nos. 1 to 5 in WP/2187/2020.

Mr. Umesh H. Pawar, for Respondent Nos. 6 and 7.

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**CORAM: S.C. GUPTE &
SURENDRA P. TAVADE, JJ.**

DATE : 10 FEBRUARY, 2021.

PC:-

. Heard learned Counsel for the Petitioners and learned AGP for the Respondent-State. Rule. Rule taken up for hearing with consent of Counsel.

2. The grievance of the Petitioners in the present petitions is that the Petitioners' appointment being prior to the two GRs, which are

used against them, namely, GRs dated 23 October 2013 and 12 February 2015, for denying approval to their appointments as non-teaching staff of different designations. This Court has in a number of cases, including the case of **Shrikrishna Bhikaji Bondge vs. State of Maharashtra**¹, made it clear that the two GRs do not apply to appointments made before the GRs. Learned AGP is unable to dispute the proposition of law.

3. In the premises, Rule is made absolute and the petitions are allowed by quashing and setting aside the impugned orders of rejection of approval and directing Respondent No.5 to consider grant of approval to the appointments of the Petitioners, since the date of their respective appointments and release grant-in-aid for payment of their salaries since that date, as expeditiously as possible, and in any event within a period of six weeks from today.

(SURENDRA P TAVADE, J.)

(S.C. GUPTE, J.)

1 Writ Petition No.3525-2019