

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

930 WRIT PETITION NO.7462 OF 2021

SHAHAJI MOHANRAO MORE
VERSUS
THE STATE OF MAHARASHTRA THRU ITS SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. D. S.Mali
AGP for Respondents State: Mrs M. A. Deshpande
Advocate for Respondents 5 & 6 : Mr. L. H. Kawale

CORAM : A.S. GADKARI & S. G. MEHARE, JJ.
DATE : 13th January, 2022

ORDER:

1. Record reveals that, petitioner was appointed as peon on the establishment of respondent No.6 on 01.02.2007 and his proposal for approval was sent to respondent No.4 on 26.02.2007.

The petitioner had earlier approached this Court by way of Writ Petition No. 14331/2017. By an order dated 15th January, 2018, this Court had issued certain directions to respondent No.4 Education Officer *inter alia* to decide the proposal of the petitioner on its own merits and in accordance with law and policy, preferably within a period of six months.

2. By the impugned order dated 05.06.2020, respondent No.4 has rejected the proposal of the petitioner on the ground that in June, 2020, the staffing pattern of respondent No.6 does not permit to have a Peon (*sic.* petitioner) in their establishment.

3. It is an admitted fact on record that, the petitioner was appointed on the establishment of respondent No.6 on 01.02.2007 and therefore, according to us, the staffing pattern which was approved and applicable in the month of February 2007 ought to have been taken into consideration by the respondent No.4, which he has not done.

4. In view of above, we hereby set aside the order dated 5th June, 2020 and remand the matter back to respondent No.4 for deciding the said proposal afresh in accordance with the provisions of law, policy of the Government and various resolutions passed by the Government in that behalf. Respondent No.4 is directed to decide the said proposal within a period of four months from the date of receipt of the present order.

5. It is needless to mention that, contentions of the parties herein are expressly kept open to be agitated before the respondent No. 4 at the time of consideration of proposal of petitioner.

6. All the concerned to act upon authenticated copy of the order.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)

JPC