

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5279 OF 2022

Pritesh Pradip Khake & Anr.

.. Petitioners

Vs.

The State of Maharashtra,
Through Secretary School Education
Dept. & Anr.

.. Respondents

.....
Mr. N.V. Bandiwadekar i/b Ms. Ashwini N. Bandiwadekar for the
petitioners
Mr. N.C. Walimbe, AGP for the respondent – State

.....

**CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.**

DATED : 18th NOVEMBER, 2022.

P.C.

1. The proposal seeking approval to the appointment of the petitioner as a Junior Clerk is rejected under the impugned communication. We have heard the learned Counsel for the petitioner and the learned AGP for the respondent – State.

2. The petitioner claims to have been appointed on 1st December

2014. The proposal is rejected on the basis of the Government Resolution dated 7th March, 2019. The Rules, executive instructions and the policy as applicable on the date on which the petitioner is appointed, would be relevant. In light of that, the impugned order is quashed and set aside.

3. The Education Officer shall reconsider the proposal for the appointment of the petitioner on the basis of executive instructions and rules prevailing as on the date on which the petitioner was appointed. The same shall be decided preferably within six months.

4. Writ Petition is disposed of. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)