

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

WRIT PETITION NO.9393 OF 2021

Shubhangi Arjun Pawar & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.1826 OF 2022**

Rahul Kantilal Eakamalli & Ors. Petitioners
Vs.
State of Maharashtra & Ors. Respondents

Mr. D. W. Bhosale for the Petitioners
Ms. S. S. Bhende, AGP for the State

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 12, 2022

P.C.

1 The Petitioner in Writ Petition 9393/2021 claims to have been appointed in the year 2007 as a Peon on compassionate ground. Whereas the Petitioner in Writ Petition No.1826/2021 claims to have been appointed as a Peon in the year 2011 on compassionate ground. The proposal seeking approval to the appointment is rejected relying upon Government Resolutions dated 11th December 2020 and 12th February 2015.

2 We have heard the learned counsel for the Petitioners and the learned AGP for the State.

3 It appears that the basis for rejection of the proposal for appointment of the Petitioners on compassionate ground as Peon is that the post of Peon is now not admissible and they are paid only honourarium. The posts are lapsed.

4 It is required to be considered that the Petitioners claim to have been appointed in the year 2007 and 2011. The position existing as on the date of appointment of the Petitioners is required to be considered and not the subsequent Government Resolutions. If on the date, the Petitioners were appointed the posts were available, then the same has to be considered. The policy existing as on the date of the appointment of the Petitioners as Peon has to be considered.

5 The impugned orders are quashed and set aside.

6 The Education Officer shall reconsider the proposal seeking approval to the appointment of the Petitioners on compassionate ground as peon keeping in mind the policy as existing as on the date of the appointment of the Petitioners.

7 The said proposals shall be decided afresh, preferably within six months.

8 The Writ Petitions stand disposed of. No costs.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)