

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

**WRIT PETITION NO. 4762 OF 2021
WITH
INTERIM APPLICATION (ST) NO.17570 OF 2022
IN
WRIT PETITION NO. 4762 OF 2021**

Shashikant Virpakshappa Hippargi Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr. R. S. Alange for the Petitioner
Mr. N. C. Walimbe, AGP for the State
Mr. Mahindra Deshmukh for Respondent Nos.6 and 7

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : SEPTEMBER 13, 2022

P.C.

1 The approval granted to the appointment of the Petitioner is cancelled under the impugned order.

2 Heard the learned Counsel for the Petitioner, Respondents and learned AGP.

3 The Petitioner claims to have been appointed in the year 1994 and was continued on year-to-year basis. Finally, approval was granted on permanent basis since the academic year 1997-1998.

4 Initially, the approval was not granted to the appointment of the Petitioner, however, under order dated 20th November 2012 the Government approved the appointment of the Petitioner from the academic year 1997-98. The original Writ Petitioner, it appears, died in December 2021. Under the impugned communication, the approval granted to the appointment of the Petitioner under Government Resolution dated 12th December 2012 is cancelled.

5 It is not disputed that the Petitioner possesses the post graduate qualification with B+ on the date of appointment. The Petitioner also possesses M.Phil. qualification in the year 1997. The Petitioner also obtained Ph.D. in the year 2010. These are undisputed facts.

6 The Government has issued a Resolution in the year 2013 which was subject matter of consideration before this Court in various matters wherein it has been held that though the employee may not be entitled for CAS benefits, the appointment of such candidate who does not possess SET-NET qualification but possesses post graduate qualification with B+, and is appointed prior to the year 2000, is protected.

7 The Petitioner was officiating his duties since 1997-1998. His appointment was also approved in the year 2012. It would be too

late in the day, in the year 2019 to cancel the said approval granted to the Petitioner who had almost rendered 27 years of service. Moreover, the impugned order is also passed without notice to the Petitioner.

8 In light of the above, the impugned order is quashed and set aside.

9 The parties shall proceed further and the steps shall be taken for the benefits, as may be permissible to the deceased Petitioner *inter alia* to the legal heirs of the Petitioner as per the order passed under the Government Resolution dated 20th December 2012 (Page 64 to the Writ Petition).

10 The Writ Petition is accordingly disposed of. No costs.

11 In view of the above, the Interim Application also stands disposed of.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)