

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

WRIT PETITION NO. 8063 OF 2022

Farukhkhan Ikbāl Pathan and Anr. ...Petitioners
vs.
The State of Maharashtra Thr
The Secretary School
Education Dept. and Anr ...Respondents

Mr. Laxman Deshmukh - Advocate for the Petitioners
Mr. V. M. Mali - AGP for the Respondent-State

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

DATE : 11th JULY, 2022

P.C. :-

1. The proposal seeking approval to the appointment of the Petitioner No. 1 as 'Peon' is rejected under the impugned Order.
2. We have heard the learned counsel for the Petitioners and learned AGP for the Respondent-State.
3. The proposal of the Petitioner No. 1 is rejected basically relying upon the Government Resolutions dated 23/10/2013 and 12/02/2015.
4. If the appointment of the Petitioner No. 1 is dated 21/06/2012, then the subsequent Government Resolutions cannot be applied. The position existing as on date the Petitioner No. 1 was appointed shall have to be taken into consideration.

5. Upon being asked that the proposal seems to have been filed in the year 2017, the learned counsel points out that since January 2013 the proposals were sent and reminders were given.
6. In view of that impugned Order is quashed and set aside.
7. The Education Officer shall reconsider the proposal seeking approval to the appointment of the Petitioner No. 1 afresh. It shall consider the position as existing as on the date the Petitioner No. 1 was appointed and same shall be decided expeditiously, preferably within six months.
8. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]