

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7289/2022

Ganesh Mhalu Avhad & Anr.

... Petitioners.

V/s.

State of Maharashtra & Ors.

... Respondents

Mr.Nikhil Waje, Advocate for the Petitioner.

Mrs.MP Thakur, AGP for the Respondent - State.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 18th AUGUST 2022

PC. :

1. The proposal seeking approval to the appointment of the petitioner as full time Librarian is rejected by respondent no.2 relying upon the Government Resolution dated 1.9.2018.
2. The petitioner claims to have been appointed as full time Librarian from 14.07.2011.
3. We have heard learned Counsel for the petitioner and the learned AGP for the State.
4. The impugned order states that as per Government Resolution dated 1.9.2018 part time Librarian are to be accommodated as full time Librarian. Said reasons can not withstand. The petitioner is already

appointed in the year 2011.

5. If the petitioner is appointed on 14.7.2011, then, approval to the appointment of the petitioner cannot be rejected on the basis of subsequent Government Resolution dated 01.09.2018. The said Government Resolution would not apply with retrospective effect so as to impinge upon appointment made in the year 2011.

6. The circumstances and the policy existing as on date, the petitioner was appointed shall have to be considered.

7. The impugned order rejecting approval to the appointment of the petitioner as full time Librarian, relying upon Government Resolution dated 1.9.2018 is set aside.

8. The Education Officer shall re-consider the proposal seeking approval to the appointment of the petitioner as a full time Librarian, in tune with the policy existing as on date of appointment of the petitioner and it shall not be rejected on the basis of subsequent Government Resolution.

9. The Education Officer shall decide the same within 4 months.

10. The petition is disposed of.

11. No costs.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)