

shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5451 OF 2021**

Balaso Dhondappa Hipparkar	]	
and others.	]	Petitioners
Vs.		
The State of Maharashtra	]	
(Through the Secretary School	]	
Education Department, Mantralaya,	]	
Mumbai – 23) and others.	]	Respondents

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Mr. L.S. Deshmukh, for Petitioners.

Mr. N.K. Rajpurohit, A.G.P, for Respondents – State.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 28th MARCH, 2022.

P.C.

1. Heard Mr. Deshmukh, learned Counsel for the petitioners and Mr. Rajpurohit, learned A.G.P, for respondents-State.

2. We find that appointment of petitioner No.1 on the post of “Peon” has been made in the year 2009. But, the proposal seeking approval to such appointment of the petitioner was sent by the Management sometime in February, 2021 i.e almost after 12 years from the date of the appointment.

3. The Education Officer was bound to consider the subsequent events which took place after appointment order was issued and before the proposal seeking approval to the appointment was prepared and sent by the Management. One of the subsequent events relates to the Government Resolution dated 11st December, 2020 issued by the State Government. It clearly prescribes that from 11th December, 2020 and onwards, there would be no filling up of the posts of Class-IV employees in the School and the School instead of that would have to pay peon allowance. This Government Resolution thus indicates that the post for which approval was sought by the Management had lapsed already on the date on which proposal seeking approval to the appointment of the petitioner was sent. This being the effect of the Government Resolution dated 11th December, 2020, we find no error in the impugned order.

4. The petition, therefore, stands dismissed.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]