

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

WRIT PETITION NO.7998 OF 2021

Snehal Balkrishna Lad and ors. ... Petitioners

V/s.

The State of Maharashtra and anr. ... Respondents

Mr.Laxman Shivajirao Deshmukh, for the Petitioners.
Mr.V.M.Mali, AGP for the Respondents-State.

**CORAM : SUNIL B.SHUKRE, AND
AMIT BORKAR, JJ.
DATE : 25th FEBRUARY 2022.**

P.C.:-

1. Rule. Rule made returnable forthwith and finally heard by consent.

2. In this writ petition, the petitioner, a junior clerk claims to be appointed so by following due procedure. It is his submission that even though prior permission when sought for issuing the advertisement was neither granted nor refused, as per the Government Resolution dated 13th July, 2016 (Clause 8), the Education Officer would have to grant approval to appointment, due to such appointment, if duly made.

3. The learned counsel for the petitioners further submits that Government Resolution dated 23rd October, 2013 on which heavy reliance has been placed to support the impugned order has been superseded by two subsequent Government Resolutions, Government Resolution dated 28th January, 2019

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and Government Resolution dated 7th March, 2019 and according to these Government Resolutions post on which the petitioner has been appointed is a sanctioned one.

4. On going through the impugned order we find that all these aspects of the matter have not been considered anywhere by the Education Officer and therefore, the impugned order cannot be treated as one as having been legally passed.

5. The Writ Petition is allowed.

6. The impugned order is quashed and set aside.

7. Matter is sent back to the Education Officer for its fresh consideration and for taking fresh decision in accordance with law.

8. We direct respondent No.3 to take fresh decision in the matter at the earliest and in any case within eight weeks from the date of receipt of this order. No costs.

9. The petitioner is at liberty to produce before the Education Officer the copy of the letter dated 1st March, 2021 issued by the Director of the Education.

10. In case the proposal is approved, the name of the petitioner shall be entered in the shalarth system and salary together with arrears shall be paid according to law.

(AMIT BORKAR, J.)

(SUNIL B.SHUKRE, J.)