

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

WRIT PETITION NO.8710 OF 2022

1. Shri. Pawan Mahadev Shingaye
Aged 42 years, Occu. Service,
R/o. Prabhanvalli,
Taluka-Lanja, Dist. Ratnagiri.
2. Bhambad Panchkroshi Shikshan
Sanstha
Through its Chairman/Secretary ... Petitioners

Versus

1. The State of Maharashtra
Through the Secretary,
School Education Department,
Mantralaya, Mumbai-400 032.
2. The Education Officer,
(Secondary) Zilla Parishad,
Ratnagiri. ... Respondents

Mr. Vinayak Kumbhar a/w. Mr. Rajendra B. Khairi i/b. Mr. Sagar A. Mane for
Petitioner.

Mr. S. L. Babar, AGP for Respondent-State.

**CORAM : A. S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.**

DATE : 1ST DECEMBER 2023

Oral Judgment (Per A. S. Chandurkar J.)::-

1. Rule. Rule made returnable forthwith and heard learned
Counsel for the parties.

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2. The challenge raised in this Writ Petition is to the communication dated 29th April 2022 issued by the Education Officer (Secondary) rejecting the proposal dated 12.02.2022 by which approval was sought to the appointment of the 1st Petitioner on the post of Peon.

3. Affidavit-in-reply filed on behalf of the Respondent No.1 and 2 is taken on record. In the said reply it has been stated that though the Petitioner was appointed on 16.06.2015 the proposal has been rejected by relying upon Government Resolution dated 7th March 2019. Since the rejection is on the basis of a Government Resolution issued after the Petitioner was appointed, it is submitted that the impugned order be permitted to be withdrawn so as to consider the Petitioner's proposal afresh.

4. In view of the aforesaid the following order is passed:-

- a. The Order dated 29th April 2022 passed by Education Officer (Secondary) is permitted to be withdrawn.
- b. Within a period of four weeks from today the Petitioner shall submit a fresh proposal seeking approval to the appointment of the Petitioner-2. Education Officer (Secondary) shall within a period of four weeks of receiving the said proposal decide the same in

accordance with law and communicate its decision to the Petitioner.

c. In case the appointment of the Petitioner No.1 is approved all consequential benefits shall be made available in accordance with law.

5. Rule is disposed of in above terms.

(FIRDOSH P. POONIWALLA, J.)

(A. S. CHANDURKAR, J.)