



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8010 OF 2022

Sunil s/o Gangadhar Pawar & ors. ... **PETITIONERS**

VERSUS

The State of Maharashtra & ors.. ... **RESPONDENTS**

.....
Mr. V.S. Panpatte, Advocate for petitioners
Mr. S.R. Yadav Lonikar, A.G.P. for State
Mr. B.P. Gonare, Advocate for respondents No.4 and 5
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**CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 17th APRIL, 2025

ORDER :

Heard. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, taken up for final hearing.

2. The challenge in this Writ Petition is to the order dated 21/6/2022, passed by the respondent No.3 Education Officer (Secondary), Zilla Parishad, Nandurbar, turning down the proposal for grant of approval to the appointment of the

petitioners on the post of Peons. The grounds for refusal to grant the approval are that there was ban for recruitment of teaching and non-teaching staff in view of the Government Resolution dated 2/5/2012 and the roster was made applicable in view of Government Resolution dated 11/12/2020. The posts of Class IV employees were directed to be filled up on contractual basis in view of Government Resolution dated 11/12/2022. Vide Government Resolution dated 3/5/2020 again the ban was imposed for filling the posts in view of financial crisis arisen during the pandemic Covid-19 period.

3. None of the Government Resolutions relied on speaks for its application with retrospective effect.

4. The appointments of the petitioners were w.e.f. 1/9/2011. Within 2-3 months the management put up the proposal before the concerned Education Officer for grant of approval to their appointments. The roster has also been approved by B.C. Cell on 26/7/2010.

5. Time and again the management requested the Education Officer to grant approval. Ultimately, the Education

Officer turned down the same for the reasons given hereinabove.

6. Since the appointments of the petitioners were prior to the Government Resolutions referred to in the order impugned herein, those Government Resolutions could not be made applicable to their appointments with retrospective effect. Similar was the view taken by this Court in Writ Petition No.8587/2019, decided on 10/7/2017, Writ Petition No.5241/2021, decided on 11/3/2022 and Writ Petition No.3175/2020, decided on 30/7/2021.

7. For all the aforesaid reasons, we allow the Writ Petition in terms of prayer clauses (B) and (C). Rule made absolute accordingly.

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT, J.)

fmp/-