



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13843 OF 2024

Shri. Umeh S/o Bansilal Shelar,
Age : 47 Years, Occ. Service as Peon,
Adhar No 688310154555
R/o. Dusane,
Tq. Sakri, Dist.Dhule

.. Petitioner

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32
Through its Secretary.
 2. The Deputy Director of Education,
Nashik Division, Nashik.
 3. The Education Officer (Secondary),
Zilla Parishad, Dhule.
 4. Dusane Education Society, Dusane
Tq. Sakri, Dist. Dhule
Through its Secretary
 5. Mahatma Jyotiba Fule Secondary School,
Dusane Tq. Sakri, Dist. Dhule
Through its Headmaster.
- ..Respondents

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Advocate for the petitioner : Mr. Vilas S. Panpatte
AGP for Respondent/State : Mr. S. R. Yadav Lonikar
Advocate for Respondent Nos. 4 and 5 :Mr. Ashok B. Tele

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**CORAM : R. G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.**

DATED : MAY 06 2025

JUDGMENT (Per R. G. Avachat, J) :-

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 14.10.2024 passed by respondent No.3 - Education Officer (Secondary), Zilla Parishad, Dhule, turning down the proposal for grant of approval to the appointment of the petitioner on the post of Peon. 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 12.02.2015 and the resolution was made applicable in view of Government Resolution dated 11.12.2020. The post of class IV employees were directed to be filled up on contractual basis in view of Government Resolution dated 11.12.2022.

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

4. The appointment of the petitioner was w.e.f. 01.07.2013. The management put up the proposal before the concerned Education Officer for grant of approval to his appointment.

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 appointment of the petitioner was prior to the Government Resolutions referred to in the order impugned herein, those Government Resolutions could not be made applicable to his appointment with retrospective effect. Similar was the view taken by this Court in Writ Petition No. 8587/2019 decided on 10.07.2017, Writ Petition No. 5241/2021 decided on 11.03.2022 and Writ Petition No. 3175/2020, decided on 30.07.2021.

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)
JUDGE

(R. G. AVACHAT)
JUDGE

Y.S. Kulkarni