



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO.70 OF 2026

KISHOR TULSIDAS MALI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. T.M. Venjane, Advocate for petitioner

Mr. R.S. Wani, AGP for respondent Nos.1 to 3

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 28th JANUARY, 2026

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

. Heard learned Advocate Mr. T.M. Venjane for petitioner and
learned AGP Mr. R.S. Wani for respondent Nos.1 to 3.

2 Present petition has been filed for following relief :

“By issuing appropriate writ, order or direction in the like nature to
direct respondent No.3 in particular to grant approval to the post of
petitioner from his date of appointment i.e. 23.06.2003 by quashing
and setting aside the order dated 04.02.2025 passed by respondent

No.3.”

3 The petitioner has come with a case that he passed S.S.C. D.Ed. in 1997. Shri Sadguru Narayan Maharaj Seva Sanstha, Gategaon, Tq. & Dist. Latur runs respondent No.4 school. Respondent No.4 is receiving grant-in-aid. The institute had published advertisement in daily Ekmat newspaper for filling up of the post of Shikshan Sevak on 12.06.2003. After undergoing the process, institution selected the petitioner on vacant and sanctioned post and accordingly appointment order dated 16.06.2003 was issued to him. Petitioner joined his services on 23.06.2003. Since then he is working there. Thereafter, he was posted as Assistant Teacher in the school on the basis of seniority list. Respondent No.3 approved the services of petitioner from 19.12.2005 i.e. the date of proposal and not from the date of appointment of petitioner i.e. 23.06.2003. Petitioner has been granted permanent approval in the pay scale vide order dated 30.12.2008. Petitioner then made an application dated 20.01.2025 to respondent No.3 for grant of approval from the date of his initial appointment, however, it has been rejected after giving hearing by order dated 04.02.2025. Hence, present petition.

4 Learned Advocate for petitioner has taken us through the documents. He submits that in the impugned order it has been admitted by respondent No.3 that post was available for appointment of petitioner as per

Sanch Manyata of 2003-2004. It is also on record that he was appointed from 23.06.2003. It also appears that he worked from 23.06.2003 to 18.12.2005. However, representation / application of petitioner came to be rejected on the count of delay. He submits that petitioner cannot be held responsible for delay as it was sent by the Management and, therefore, the impugned order deserves to be quashed and set aside.

5 Here, intentionally the petitioner in his pleadings has not made certain averments. Though the petitioner appears to have been appointed on 23.06.2003, the proposal for approval for his appointment was given on 19.12.2005. By order dated 21.03.2006 the services of petitioner came to be approved from 19.12.2005 and not from the date of his appointment. The petitioner has intentionally suppressed a fact as to when he got the knowledge about order dated 21.03.2006. Certainly, he would have got the said knowledge immediately. Thereafter on 30.12.2008, his approval in the pay scale was granted from 19.12.2005. Even after 2008 also he had not made any representation or had not challenged the order dated 30.12.2008 or 21.03.2006 within a reasonable period. Now, the representation is made on 20.01.2025. There is absolutely no explanation for the delay from 21.03.2006 to 20.01.2025 or 30.12.2008 to 20.01.2025 by petitioner. Under such circumstance, we do not find this to be a fit case where we should

exercise our powers under Article 226 of the Constitution of India. Writ
Petition, therefore, stands dismissed.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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