



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1027 WRIT PETITION NO.1501 OF 2026

Amolkumar Santram Gore

VERSUS

The State Of Maharashtra And Another

...

Mr. L. V. Sangit, Advocate for the Petitioner.

Mr. V. M. Kagne, AGP for Respondent Nos.1 and 2/State.

...

AND

1028 WRIT PETITION NO.1502 OF 2026

Usha Baliram Masal

VERSUS

The State Of Maharashtra And Another

...

Mr. L. V. Sangit, Advocate for the Petitioner.

Mr. S. B. Narwade, AGP for Respondent Nos.1 and 2/State.

...

AND

WRIT PETITION NO.1599 OF 2026

Farooq Gafoor Shaikh

VERSUS

The State of Maharashtra and others

...

Mr. L.V. Sangit, Advocate for the petitioner.

Mr. V. M. Kagne, AGP for respondent Nos.1 and 2/State.

...

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

DATE : 18 FEBRUARY 2026

ORDER :

. In view of our order dated 10.02.2026 passed in Writ Petition Nos.1501 of 2026 and 1502 of 2026, respondent No.2 is present before this Court. Affidavit-in-reply has been filed. She submits that already under the order passed in Writ Petition No.6109 of 2022 decided on

27.07.2022, her office has already approved the services of the petitioner as Shikshan Sevak on 02.11.2022. Thereafter, this Court in Writ Petition No.4086 of 2024 decided on 18.06.2025 had directed respondent No.2 to take appropriate decision for grant of approval to the promotion of the petitioner as Assistant Teacher from 01.12.2021 instead of Shikshan Sevak and pay the salary as per the relevant pay scale, as per the decision of this Court, Bench at Nagpur in Writ Petition No.7706 of 2022 dated 21.12.2023. Now, again respondent No.2, with her own interpretation, has tried to explain in paragraph No.13 of her affidavit that, under the *bona fide* belief that the judgments delivered by the court of law are always prospective in nature and not retrospective, she passed the impugned order. We have made inquiry as to whether respondent No.2 is a law graduate and she answers it in negative. We want to make it clear that she is under mistaken fact that the decisions of this Court are always prospective in nature and not retrospective. In fact, it depends upon the facts of the case and if the law is explained, then it would have the retrospective effect. She ought to have gone through the decision of this Court Bench and in fact in order dated 18.06.2025, the Coordinate Bench of this Court in Writ Petition No.4086 of 2024 had taken note of the petitioner's case that the petitioner was praying for pay protection in light of decision of the Nagpur Bench. Only to that extent, while taking

decisions, respondent No.2 ought to have taken that the mandatory things which were required as per the decision of this Court Bench at Nagpur are there in the present case or not, but now the impugned decisions dated 06.11.2025 and 08.10.2025 in respective petitions are totally on the wrong assumption of law and, therefore, deserve to be quashed and set aside.

2. Respondent No.2 has tendered the apology. We accept the same with direction to respondent No.2 to be careful henceforth in discharging her duty, especially when specific directions are given by this Court.

3. The writ petitions are partly allowed.

4. The impugned orders dated 06.11.2025 and 08.10.2025 passed by respondent No.2 in respective petitions, are hereby set aside.

5. Respondent No.2 should call the proposals submitted by the Management once again within a period of one week and decide the same within a period of four weeks thereafter, in view of the order passed by this Court, Bench at Nagpur in Writ Petition No.4086 of 2024 on 18.06.2025.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm