



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.14438 OF 2025

Sagar Onkar Patil

.. Petitioner

Versus

1. The State Of Maharashtra
Through The Secretary
for School Education and Sports
Department, Mantralaya,
Mumbai.
2. The Deputy Director of Education,
Nashik Division, Nashik.
3. The Education Officer (Secondary),
Zilla Parishad, Amalner,
Taluka Amalner, District Jalgaon.
4. The Headmaster
Shri Yashwant Madhyamik Vidya Mandir,
Ratnapimpri, Taluka Parola,
District Jalgaon.
5. The President,
Shri Yashwant Kisan Madhyamik
Shikshan Mandal,
Ratnapimpri, Taluka Parola,
District Jalgaon

.. Respondents

...

Mr. A. D. Sonkawade, Advocate for the Petitioner.
Mr. S. B. Narwade, AGP for Respondents/State.

...

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

DATE : 29 JANUARY 2026

ORDER (Per Hiten S. Venegavkar, J.) :-

. Present writ petition initially challenged the pendency of representation for grant of approval of the services of the petitioner on the post of Laboratory Attendant with respondent Nos.4 and 5. Pending the writ petition, the order has been passed on the said representation thereby rejecting the proposal for grant of approval of the services of the petitioner on the post of Laboratory Attendant in respondent Nos.4 and 5. The petitioner therefore carried out amendment and have challenged the order of rejection in the present petition.

2. It is the case of the petitioner that he was appointed on 01.07.2013 by respondent No.5 on the post of Laboratory Attendant as per the provisions of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. The proposal for approval of the services of petitioner was submitted by respondent Nos.4 and 5 on 24.12.2013 in the office of Education Officer (Secondary). During the pendency of the said proposal for approval, the petitioner's services came to be terminated on 10.09.2016 by the Headmaster of respondent No.5. The petitioner therefore challenged the said termination order by preferring Appeal bearing No.32 of 2024 before the Presiding Officer,

School Tribunal, Nashik. After hearing all the parties, the said appeal was allowed by the Tribunal on 04.09.2025 by passing reasoned order which has attained finality. The petitioner therefore submitted a representation to respondent Nos.4 and 5 to reinstate him in accordance with the judgment and order passed by the Tribunal. Accordingly, the services of the petitioner came to be reinstated and the fresh proposal was submitted for grant of approval to the services of the petitioner on 23.09.2025 by respondent Nos.4 and 5. The learned Advocate appearing for the petitioner points out the impugned order dated 02.01.2026 rejecting the proposal of the petitioner, on the ground that in the light of the subsequent Government Resolution dated 11.12.2020, the post of Laboratory Attendant has been abolished and, therefore, the approval cannot be granted to the appointment of the petitioner on the said post. He submits that the Government Resolution passed on 11.12.2020 will not apply in the case of present petitioner, as the appointment of the petitioner was made on 01.07.2013. There cannot be any retrospective effect given to the policy of the Government and hence, he prays for setting aside the impugned order.

3. Learned AGP appearing for respondent Nos.1 to 3 argues that on the date of deciding the proposal, the post of Laboratory Attendant, has been abolished by the Government and, therefore, the decision taken by

respondent No.3 is in accordance with law in view of the Government Resolution dated 11.12.2020 and policy of the Government.

4. We have perused the impugned order as well as the Government Resolution dated 11.12.2020 and we are of the considered view that the Government policy in pursuance of recognition of any post will have to be given only prospective effect and such policy cannot be considered with a retrospective effect. The petitioner's appointment admittedly is of 2013 and the approval proposal was also submitted and pending before respondent No.3 since 2013. It was only due to the subsequent development of termination of the petitioner, the proposal was not taken up for consideration. However, as the termination order has been set aside by the School Tribunal, the clock is set back and, therefore, the proposal will have to be decided in accordance with the policy that was prevailed in the year 2013. Hence, the following order :-

ORDER

- I) The Writ Petition stands partly allowed.
- II) The impugned order dated 02.01.2026 passed by respondent No.3 is hereby quashed and set aside.
- III) Respondent No.3 is directed to consider the proposal for grant of approval of the services of the petitioner on the post of

Laboratory Attendant in the institution of respondent Nos.4 and 5 in accordance with the policy that was prevailing in 2013 and not in view of the Government Resolution dated 11.12.2020.

IV) Respondent No.3 is directed to decide the said proposal within a period of four weeks from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm