



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.14631 OF 2025

Pankaj Balu Patil

VERSUS

The State Of Maharashtra And Others

...

Ms. Nayana P. Patil, Advocate for the Petitioner.

Mr. R. S. Wani, AGP for Respondents/State.

...

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

DATE : 20 JANUARY 2026

ORDER :

. Present petition has been filed for following reliefs :-

“B. By issuing writ of mandamus or order or direction or any other writ of like nature, the letter dated 25.08.2021 issued by respondent No.3 may kindly be quashed and set aside and further may kindly be directed to grant approval to the petitioner as peon and further grant the salary arrears and back wages w.e.f. 27.07.2014.

C. By issuing writ of mandamus or order or direction or any other writ of like nature, the letter dated 25.08.2021 issued by respondent No.3 may kindly be quashed and set aside and further may kindly be directed to respondent No.3 that after giving hearing to all the parties and reconsider the proposal dated 11.06.2012 forthwith.”

2. Heard learned Advocate for the petitioner. Learned AGP waives notice for respondent Nos.1 to 3.

3. The petitioner states that he came to be appointed on the post of Peon on 18.07.2011 and with effect from 18.07.2011 to 27.07.2014 he was on honorarium. The appointment was on aided basis. The management had then forwarded proposal for the approval of his services on 11.06.2012. The said proposal was kept pending and no decision was taken, but ultimately by order dated 25.08.2021 it has been rejected on the ground that by Government Resolution dated 28.01.2019 the staffing pattern for non teaching staff has been fixed, wherein the post of Peon has been deleted. Further, by way of Government Resolution dated 11.12.2020, it was decided to give allowance per school in the place of post of Peon.

4. Though the petitioner is approaching this Court belatedly taking into consideration the impugned order dated 25.08.2021, yet the error on the part of respondent No.3 is apparent. The proposal was pending with him since 11.06.2012 and, therefore, the position that was then prevailing at the time of appointment of the petitioner ought to have been considered by respondent No.3. The subsequent resolutions cannot be made applicable retrospectively and, therefore, we find the impugned

order dated 25.08.2021 as illegal and deserves to be set aside. Hence, we pass the following order :-

ORDER

- I) The writ petition stands partly allowed.
- II) The impugned communication dated 25.08.2021 issued by respondent No.3 stands quashed and set aside.
- III) Respondent No.3 is directed to take decision on the proposal dated 11.06.2012 on the basis of the position as it stood at the time of appointment of petitioner i.e. 18.07.2011 and decide the same accordingly.
- IV) Such decision be taken within a period of two months from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm