



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 WRIT PETITION NO.15361 OF 2025

Ramakant Ramnath Khetre

VERSUS

The State Of Maharashtra And Others

...

Mr. T. M. Venjane, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents/State.

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

DATE : 29 JANUARY 2026

ORDER :

- . Issue notice to respondents.
2. Learned AGP waives notice for all respondents.
3. It appears that the respondents are relying on the communication dated 28.05.2025 which is stated to be based on Government Resolution dated 04.04.2025. As per the petitioner, he came to be appointed in view of advertisement that was given on 28.03.2025 and the appointment order was on the clear sanctioned post of Junior Clerk. He was given an appointment order on 01.04.2025 and he resumed his duty on the same

day. In order to show that there was a clear vacancy, the petitioner has supplied the copy of Sanch Manyata of the year 2023-24. We are not aware as to whether along with the proposal that was sent by the Educational Institution this Sanch Manyata was given or not in respect of the year 2023-2024. Impugned communication dated 28.05.2025 states that the document that was annexed was Government Resolution dated 04.04.2025. It is also not clear as to whether along with the proposal, the document regarding filling up the post of Junior Clerk was taken prior to 28.03.2025 or not by the Educational Institution. The Educational Institution is not party before this Court. Now the question would be for appointment that was made prior to Government Resolution dated 04.04.2025 whether the said Government Resolution can be made applicable. In other words, whether Government Resolution dated 04.04.2025 can be made applicable retrospectively is a question. If all the documents necessary for seeking approval were filed then it ought to have been considered.

4. Certainly, we are of the opinion that a Government Resolution cannot be acted retrospectively unless there is specific stipulation for the same and if the appointment is as per the procedure and against a clear vacancy then it should be considered. We therefore, set aside the order dated 08.07.2025 and direct respondent No.4 to get a fresh proposal

from the Educational Institution within a period of one month, scrutinize it and decide the same within further two months.

5. Writ petition stands disposed of

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm