

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 19350 OF 2024

Mahendra Adhikrao Patil And Ors.

...Petitioners

Versus

The State Of Maharashtra And Ors.

...Respondents

.....

Adv. Prashant Bhavake, for Petitioners.

Ms. Tejas Jayprakash Kapre, learned AGP for the Respondent-State.

.....

**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 20th APRIL, 2026.

P.C. :

1. Heard.

2. The Petitioners approached this Court contending that Respondent No. 5 – Education Officer (Secondary), Zilla Parishad, Sangli, has erred in relying upon the Government Resolution dated 11th December, 2020 while deciding the proposal for approval of Petitioner No. 1, particularly when the appointment of the Petitioner is dated 28th May, 2018. It is, therefore, submitted that the impugned order dated 27th May, 2024 is liable to be quashed and set aside.

3. In the present case, it is evident that the Education Officer,

instead of considering the proposal on its merits, has rejected the same by placing reliance on Government Resolutions dated 11th December, 2020. The Government Resolution dated 11th December, 2020 states that upon superannuation of existing Class-IV employees, such posts will stand abolished and henceforth appointments on the establishment of School shall be on fixed pay.

4. A perusal of the record indicates that the appointment of the Petitioner was made on 28th May, 2018. In our view, the Government Resolution dated 11th December, 2020 cannot be applied retrospectively to the case of the Petitioner. Therefore, the rejection of the proposal primarily on the basis of the said Government Resolution is not sustainable in law.

5. It is clear from the impugned order that there is no consideration to other aspects of proposal. In view of this, the impugned order dated 27th May 2024 is hereby quashed and set aside and remanded back to Education Officer to decide the same on its own merits.

6. It is made clear that the impugned order is set aside only on the ground that G.R. dated 11th December 2020 is not applicable to the case of the petitioner. This Court did not express any opinion on other issues of proposal as same were not looked into by Education Officer while deciding the proposal of approval.

7. The Education Officer (Secondary), Zilla Parishad, Sangli, is hereby directed to decide the proposal dated 22nd May 2024 afresh on its own merits without influence of the G.R. dated 11th December 2020.

8. With this direction, petition stands disposed of.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]