

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

WRIT PETITION NO.9908 OF 2025

Ashwini Prakash Ghogare ...Petitioner
Vs
The State Of Maharashtra
Thru. Secretary And Ors ...Respondents

Mr. Prashant Bhavake, Advocate for petitioner.

Mr. Vikas M. Mali, AGP for respondents-State.

Coram : Madhav J. Jamdar &
 Pravin S. Patil, JJ.

Date : April 18, 2026.

P. C. :

1. Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties, the Writ Petition is taken up for final disposal.
2. In the present petition, the petitioner seeks relief in terms of prayer clause (b), which reads thus:

“(b) By a suitable Writ, Order or direction, this Hon'ble Court be pleased to direct the Respondent No. 5-Education Officer to decide the proposal dated 26-7-2022 sent by the Respondent

No.6-Educational Institution and Head Master of the Respondent No. 7-Secondary School for individual approval to the appointment of the Petitioner in the post of Junior Clerk with effect from 22-7-2022 at Respondent No. 7-Secondary School within the stipulated period which this Hon'ble Court may deem fit and accordingly, grant individual approval to the appointment of the Petitioner;"

3. It is the submission of the petitioner that he was appointed on 22nd July 2022 after following due process of law. It is further submitted that, as required, an individual proposal was forwarded by management/school to Respondent No.5–Education Officer for grant of approval. It was expected by him that the Education Officer will take a decision on the said proposal. However, despite lapse of considerable time, no decision has been taken. Therefore, the petitioner has approached before this Court seeking the aforesaid relief.

4. During the course of hearing, it is pointed out that the Education Officer is reluctant to take a decision because of communication dated 28th May 2025 issued by the Deputy Director of Education. The perusal of said communication shows that in a meeting dated 27th May 2025 held at the Commissioner of Education, it was noted that the online staff justification for the academic session 2024–2025 is incomplete, and therefore, till completion of the process of staff justification and absorption process in consequence thereof, no permission be granted for

fresh appointments by any office of the Education Department until further orders

5. In the present case, it is an admitted position that the appointment of the petitioner is of dated 22nd July 2022. In our considered opinion, the communication dated 28th May 2025 can not be made applicable retrospectively. In catena of judgment of this Court time and again it is held that no government resolution or any circular can vb be made applicable retrospectively. .

6. In the circumstances, Respondent No.5–Education Officer is directed to decide the proposal dated 26th July 2022 submitted by the management, without being influenced by the communication dated 28th May 2025 issued by the Deputy Director of Education, within a period of eight weeks from the date of production of this order.

7. With the above directions, the Writ Petition stands disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]