

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2023 OF 2023

(State of Maharashtra & Anr. Vs. Shri Sagar Dipak Rahile)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms. S.S. Jachak, Assistant Government Pleader for the petitioners/ State.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MARCH 29, 2023

It is submitted by the learned Assistant Government Pleader that the respondent came to be appointed on compassionate basis on 27/1/2009 on the post of Constable. Relying upon the subsequent Government Resolution dated 6/2/2009, the respondent seeks to be placed on Class – A or Class – B post in Government Service having acquired necessary educational qualifications. It is submitted that the said Government Resolution cannot be given retrospective effect as the respondent was already appointed on compassionate basis when the said Government Resolution came into effect. The Tribunal without considering the said aspect has directed necessary decision to be taken in that regard.

2] Issue notice to the respondent, returnable in three weeks.

3] Since a *prima facie* case has been made out, there shall be an ad-interim relief in terms of prayer Clause (ii).

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

SUMIT