



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.3355 OF 2017

Satish Mallikarjun Satpute,  
Age : 50 years, Occu: Service,  
R/o C/o Z.P. High School,  
Salgara (D), Tq. Tuljapur,  
Dist. Osmanabad.

...Petitioner

Versus

1. The State of Maharashtra.  
Through the Secretary,  
Rural Development and Water  
Resources Department,  
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,  
Zilla Parishad, Osmanabad.  
Dist. Osmanabad.

... Respondents

AND

WRIT PETITION NO.3356 OF 2017

Prashant s/o Chandrakant Mulge,  
Age : 41 years, Occu: Service,  
R/o C/o Z.P. High School,  
Sindphal, Tq. Tuljapur,  
Dist. Osmanabad.

...Petitioner

Versus

1. The State of Maharashtra.  
Through the Secretary,  
Rural Development and Water



Resources Department,  
Mantralaya, Mumbai-32.

2. The Chief Executive Officer,  
Zilla Parishad, Osmanabad.  
Dist. Osmanabad.

... Respondents

...

Shri Sanjay A. Wakure, advocate for the petitioners.  
Shri V.K. Kotecha and Shri K.N. Lokhande, AGPs for respondent  
No.1/ State in the respective petitions.  
Shri Shambhuraje Deshmukh, advocate for respondent No.2/ ZP.

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**CORAM : KISHORE C. SANT  
&  
SUSHIL M. GHODESWAR, JJ.**

**Reserved on : 16 April 2026**

**Pronounced on : 20 April 2026**

**JUDGMENT (Per Sushil M. Ghodeswar, J.) :-**

1. Heard.
2. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.
3. Since both these petitions involve similar facts and issues, they are being decided by this common judgment.
4. It is the case of the petitioners that they were



appointed as 'Parichar' in Class IV category vide appointment orders dated 11.01.2005 by respondent No.2 Zilla Parishad. Thereafter, the petitioners came to be promoted to the post of Junior Assistant, Class III, vide orders dated 15.02.2008 (the petitioner in Writ Petition No.3355/2017) and dated 30.07.2011 (the petitioner in Writ Petition No.3356/2017).

5. According to the petitioners, as per Government Resolutions dated 23.08.1996 and 06.12.2010, after their appointment to the post of Junior Assistant, they were required to pass the examination of English and Marathi Typing of 30 words per minute (WPM) within two years from the date of their appointment. It is an admitted fact that the petitioners could not submit the said certificates within prescribed period, therefore, their services came to be terminated vide orders dated 22.02.2011 and 26.06.2012, respectively, instead of reverting the petitioners back to earlier post of Class IV. However, vide fresh appointment orders dated 05.05.2011 and 29.09.2012, the petitioners have been again appointed on the post of Parichar, Class IV. It is the case of the petitioners that these appointments came to be treated as fresh appointments, therefore, they are not getting benefits of



their earlier service rendered by them since 2005 till their termination on 22.02.2011 and 26.06.2012.

6. The learned advocate Shri Wakure appearing for the petitioners submitted that the issue raised in these petitions as regards termination, reversion, continuity in service and entitlement of employees of Class III category on achieving requisite qualification, is decided by this Court in Writ Petition No.1919/2013, Aurangabad Bench, (***Satish Shahaji Fand vs. The State of Maharashtra and others***) vide judgment dated 18.12.2013 and this Court granted reinstatement to the petitioner therein with continuity in service and back wages. The judgment dated 18.12.2013 was challenged before the Hon'ble Supreme Court and the SLP came to be dismissed. According to the learned advocate, there are multiple petitions filed by similarly placed employees and those petitions have been allowed by this Court. Hence, the learned advocate submitted that this case is also covered by the judgment in ***Satish Fand (supra)***.

7. *Per contra*, the learned advocate Shri Deshmukh appearing for respondent No.2 strongly opposed the petitions and submitted that pursuant to Government Resolutions dated



23.08.1996 and 06.12.2010, the candidates are required to pass the examination of English and Marathi typing within a period of two years from their appointment. The appointment of the petitioners itself was on the basis of the said condition and since the petitioners have failed to obtain requisite certificate, their services were rightly terminated by respondent No.2.

8. The learned advocate Shri Deshmukh fairly submitted that since the petitioners have again made applications for fresh appointment, therefore, they came to be appointed on the post of Parichar. The learned advocate, however, fairly conceded that it is matter of record that the judgment relied upon by the petitioners in the case of *Satish Fand (supra)*, is in respect of similarly placed employees.

9. The learned AGPs adopted the submissions of the learned advocate Shri Deshmukh and submitted that in view of the judgment in *Satish Fand (supra)*, appropriate order be passed.

10. After hearing the learned advocates for the respective parties at length, it is clear that the issue involved in the instant petitions, has already been considered and decided by this Court in *Satish Fand (supra)*. The said view has been



consistently followed by this Court in several other petitions in respect of similarly situated employees. In *Satish Fand (supra)*, this Court has observed in paragraph Nos.6, 7, 8, 9 and 10 as under:-

- “6. *It is apparent that, inspite of opportunities, the petitioner could not produce the necessary certificate regarding Typewriting. The Government Resolution dated 23.8.1996 read with Resolution dated 6.12.2010 require even those who are appointed against compassionate grounds, to submit certificate regarding passing of typing within six months of appointment. There does not appear to be any error on the part of the respondents to insist that, on appointment to the post of Junior Assistant, petitioner was required to produce the certificate regarding Typing examination as per requirement and, in default, he was liable to be proceeded against. The appointment order dated 30.7.2011 was subject to the Government Resolutions referred in the order. The Government Resolution dated 23.8.1996, read with the Government Resolution dated 6.12.2010, clearly provide that if the necessary Typewriting certificate is not produced, the service was liable to be terminated.*
7. *Attention of the learned Counsel of the respondents was drawn to the provisions of 'lien'. Learned Counsel for respondent no.2 was asked as to why petitioner was not reverted back to the earlier post of PARICHAR. Learned Counsel for respondent no.2 has then, relying on a communication dated 11.12.2013 from Chief Executive Officer of Zilla Parishad, stated that petitioner can be appointed afresh to Group D post and that at present there were vacancies available.*
8. *Rule 20 of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, refers to acquiring and ceasing of a lien. The Rule reads as under:*  
*"20. Acquiring and ceasing of a lien.*  
*Unless in any case it be otherwise provided in these*



*rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post."*

*Looking to the above, if the appointment order of the petitioner is seen, he was appointed on compassionate ground in Group D as PARICHAR against a vacant post vide order dated 17.1.2005. He worked on the post till 30.7.2011 when as per Government Resolution dated 23.8.1996 order dated 30.7.2011 was issued of direct appointment in Group C. It is not the case of the respondents that the earlier appointment was temporary or that it was not a substantive appointment or that the post was not permanent.*

9. *Rule 25 of the above Rules reads as under:*

- "25. When a lien or a suspended lien cannot be terminated.*
- (1) Except as provided in sub-rule (2) below, a Government servant's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.*
  - (2) A Government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or State Government) outside the cadre on which he is borne."*
10. *It is clear that once a lien has been acquired, the same cannot be terminated even with the consent of the employee if the result would be to leave him without a lien or suspended lien upon a permanent post. The petitioner was appointed vide orders dated 17.1.2005 as a Class IV employee with one of the conditions mentioning that he would be accommodated in Group C posts when the same becomes available. Later, vide order dated 30.7.2011, he was appointed to Class III post. In the facts and circumstances and looking to the length of service, Petitioner's lien on earlier Class D post will have to be accepted and retained till he could acquire lien in the Class C post. If he was unable to pass the examination, the respondents could*



*not have terminated the service itself. There is no question of appointment afresh. Respondents were required to post the petitioner back again in his earlier post of PARICHAR. When he already had a lien to that post, he could not have been terminated from higher post in the manner in which it has been done. If this is not accepted it would be always possible to lure an employee to higher post and later weed him out on the plea of not complying the requirement.”*

11. On the basis of above observation, this Court in *Satish Fand*, quashed and set aside the termination order and directed reinstatement of the petitioner therein with continuity in service and back wages. In various writ petitions, this Court has followed the above order and granted same reliefs by considering Rules 20 and 25 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981, thereby giving a right of lien.

12. Though the learned advocate for respondent No.2 Zilla Parishad submitted that the Government Resolutions which were considered at the time of passing impugned orders, be considered, however, we find that this Court has already taken the view in *Satish Fand (supra)* by considering those Government Resolutions. In the present case also, it is not disputed that the petitioners were substantively appointed on Class IV posts and



had acquired lien on the said posts. Upon their promotion to Class III posts, such lien could not have been terminated in absence of acquisition of lien on the higher post. Therefore, upon failure to acquire the typing qualification, the only permissible course was reversion and not termination. Hence, in our considered view, it will be appropriate to allow the instant petitions by quashing the impugned orders.

13. For the above reasons, both Writ Petitions are allowed as under:-

(a) The impugned orders of termination dated 22.02.2011 and 26.06.2012 are quashed and set aside.

(b) The petitioners shall be reinstated in service on their original posts of 'Parichar' (Class IV) w.e.f. 22.02.2011 and 26.06.2012, respectively.

(c) The petitioners shall be entitled to continuity of service from their initial appointment, for all service benefits including pensionary benefits.

(d) Back wages shall be paid accordingly.

14. Rule is made absolute in the above terms.