

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12556 OF 2025

District: Solapur

Shri Nitin Vishnu Hembade,]
Age 36 Years, Occupation Service,]
R/o. A/P. Saptsrungi Nagar, Pandharpur]
Road, Mangalwedha,]
Tal. Mangalwedha, District : Solapur.] ... Petitioner

Versus

1. The State of Maharashtra]
Through the Secretary,]
School Education and Sports Department,]
Mantralaya, Mumbai – 400 032.]
2. The Commissioner of Education]
School Education Department,]
Maharashtra State, Pune.]
3. The Director of Education,]
(Secondary and Higher Secondary),]
Maharashtra State, Pune – 1.]
4. The Deputy Director of Education,]
Pune Region, Pune, Having office at,]
Dr. Babasaheb Ambedkar Road,]
Camp, Pune – 411 001.]
5. The Education Officer (Secondary),]
Zilla Parishad, Solapur, Having Office]
at Zilla Parishad Building, Solapur.]

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| 6. | Shikshan Prasarak Mandal, |] | |
| | Mangalweda, Taluka : Mangalweda, |] | |
| | District : Solapur, |] | |
| | Through its President / Secretary. |] | |
| 7. | English School, Velapur, |] | |
| | Taluka : Malshiras, District : Solapur. |] | |
| | Through its Head Master. |] | ... Respondents |

*Mr. Utkarsh Desai i/b. Mr. Prashant Bhavake for the Petitioner.
Mr. A.A. Naik, A.G.P. for the Respondents-State.*

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : 19th December 2025.

ORAL JUDGMENT (PER : AJIT B. KADETHANKAR, J.)

1. SUBJECT MATTER:

The matter pertains to grant of Shalarth Identity and inclusion of Petitioner's name in the Shalarth System, consequent to grant of approval to Petitioner's appointment. Petitioner's services and appointment is approved by the order of approval issued by the Education Officer. A proposal for Shalarth identity was submitted by the Education Officer to the Deputy Director of Education by answering all the queries and submitting explanation to the objections. However, the Deputy Director of Education refused to grant Shalarth

identity and rejected the proposal disapproving the Approval of appointment itself. The Management resubmitted the proposal thereby removing all the deficiencies and answering the queries.

However the Deputy Director of Education has not yet taken any decision thereon.

Feeling aggrieved by the inaction on the part of the Respondent No.4- Deputy Director of Education, the Petitioner seeks directions to the Deputy Director of Education to grant Shalarth Identity to the Petitioner and include Petitioner's name in the Shalarth System.

2. Considering the nature of relief prayed in the Petition we have heard the Writ Petition finally by consent of the parties.

3. **Rule.** Rule made returnable forthwith. For the sake of convenience, the parties are referred to by their factual status.

4. Facts in brief:-

4.1 It is not disputed that the Petitioner was appointed on the post of 'Junior Clerk' on 01-03-2017 by the Respondent No.6 - School Management in the Respondent No. 7 - School by following due process of law. An advertisement was published by the School Management to fill up the subject-matter post. Recruitment process was conducted wherein the Petitioner was found to be eligible to be appointed on the subject-matter post.

4.2 It is also an undisputed fact that the Education Officer (Secondary) Zilla Parishad, Solapur has accorded approval to the services of Petitioner vide order dated 23-08-2021 w.e.f 06-12-2019.

4.3 Consequent to the approval granted by the Education Officer, the School and the Management submitted a proposal on 24-02-2022 with the Education Officer to forward and recommend the said proposal to the Deputy Director of Education to grant Shalarth Identity to the Petitioner. Some time lapsed in between to cure some defects in the proposal. Ultimately, the Education Officer vide his letter dated 30-12-2022 submitted a comprehensive proposal to the Deputy Director of Education to include Petitioner's name in the Shalarth System and to grant him Shalarth identity.

4.4 On 08-09-2023 the Deputy Director of Education rejected the Shalarth Identity proposal raising certain queries.

It is pertinent to note that on 24-01-2025 the School Management re-submitted a compliance report to the Education Officer, upon which the Education officer satisfied himself that the queries are properly answered by the School Management. He himself re-submitted the explanation and the proposal on 27-03-2025 to the Deputy Director of Education for grant of Shalarth Identity to the Petitioner.

4.5 We are satisfied that the Education officer has got himself satisfied with the explanation given by the School Management on the queries raised by the Deputy Director of Education, and then only has resubmitted the proposal. The issues as regards to vacancy, roaster, and advertisement are correctly addressed and answered by the School Management as also by the Education Officer.

4.6 Previously the Deputy Director while remitting back the proposal, had assigned reason that there is no clarification from the School Management about the vacant post on which the Petitioner is appointed on the subject matter post. The Petitioner states that due to voluntary retirement of Senior Clerk viz. Shri D.D. Adagale on 28-02-2017 and promotion of Junior Clerk Shri D.N. Godase to the post of Senior Clerk, a post of Junior Clerk became vacant in the School and on that vacant post the Petitioner was appointed.

As such, the Petitioner is before this court seeking directions to the Respondent authority, particularly the Deputy Director of Education to grant Shalarth Identity as also to include Petitioner's name in the Shalarth System.

4.7 Following are the important sequence of events necessary to pass the directions to the Deputy Director of Education.

Sr. No.	Particulars	Dates
1.	Appointment of Petitioner on the subject-matter post of Junior Clerk	01-03-2017
2.	Grant of approval by the Education Officer	23-08-2021 w.e.f 06-12-2019
3.	Date of recommendation letter and Proposal to the Education Officer and then to Deputy Director of Education for Shalarth Identity to the Petitioner , respectively	30-12-2022
4.	Deputy Director of Education communicated certain deficiencies in the proposal	08-09-2023
5.	Date of re-submission of compliance report by Education Officer to Deputy Director of Education	27-03-2025

5. Petitioner's arguments:

5.1 Mr. Utkarsh Desai, learned Counsel for the Petitioner would submit that in view of the law settled by this Court in a number of matters, directions are needed to be given to the Deputy Director of Education to process the Shalarth Identity proposal, and to grant Shalarth Identity to the Petitioner.

5.2 Mr. Desai would further submit that in the given set of facts, the inaction on the part of the Deputy Director of Education is highly depreciable and he could not have questioned the approval granted by the Education Officer at this juncture.

5.3 Mr. Desai would further submit that time and again this Court has held that the once the approval is granted by the Education Officer, the Deputy Director of Education can not refuse Shalarth Identity questioning the approval granted by the Education Officer nor he can merely sit over the proposal.

With this, Mr. Desai, learned Counsel for the Petitioner prays to allow the Writ Petition by issuing appropriate directions to the Deputy Director of Education.

6. Respondent's arguments:-

6.1 It is not in dispute that the School Management and the school support the Petitioner's contentions.

6.2 Mr. Naik, learned Assistant Government Pleader would fairly agree with the position of law on the subject matter issue, and would pray to pass an appropriate order.

7. Discussion and consideration: -

7.1 It is an admitted fact that the Shalarth System is introduced by the Government of Maharashtra to streamline the process of granting and releasing the salaries of the Employees in the private schools.

7.2 Needless to mention, such Employees of private schools whose appointments are duly approved by the Education Officer, are entitled to get their names incorporated in the Shalarth System and also to get Shalarth Identity. In other words, Approval to appointment by the

Education Officer is the condition precedent for grant of Shalarth Identity. Grant of approval is a crucial stage and a qualification for inclusion in the Shalarth System.

7.3 This Court in number of cases has observed that once the Education Officer grants approval to the appointment of an employee of a Private School and submits proposal for grant of Shalarth Identity, the Deputy Director of Education is under an obligation to grant Shalarth Identity to such Employee and to include the employee's name in the Shalarth System.

7.4 It is true that Deputy Director of Education may call the School Management or the Employee for certain clarification if any data to be incorporated is inadequate, however in no sense can the Shalarth Identity be withheld/declined questioning the approval in existence.

7.5 The grant of approval to the appointment of an employee necessarily mandates the Deputy Director of Education to grant Shalarth Identity to such Employee. In other words, the Deputy Director of Education is under mandate to grant Shalarth Identity to such Employee whose services are approved by the Education Officer and the proposal is submitted for grant of Shalarth Identity.

7.6 Inaction on the part of the Deputy Director of Education to grant Shalarth Identity despite the proposal containing approval granted by the Education Officer, or questioning the approval by the Education

Officer is not at all permissible.

7.7 We refer to latest judgment and order dated 21-11-2025 passed by this Court in the case of ***Saniya Shahrukh Shaikh & Ors. Vs. The State of Maharashtra & Ors.*** bearing Civil Writ Petition No.12195 of 2025, wherein upon recording various judgments and orders passed by this Court we have observed as follows:

“7.15 From the discussion above and for the reasons recorded, we hold that,

(i) The ban on appointments imposed vide G.R. dated 04/05-05- 2020 could not prevent the present school management i.e. Minority Educational Institutions from appointing the Petitioner No.1.

(ii) Once approval is granted by the Education Officer (Secondary), Zilla Parishad, the Deputy Director of Education neither can refuse nor can merely sit over the proposal to include the name of the concerned employee in the Shalarth System. Rather the Deputy Director of Education is under mandate to issue Shalarth Identity to such employee and to include such employee's name in the Shalarth system. Needless to mention, this being in the nature of an administrative job, the Deputy Director of Education must immediately complete the said exercise of granting Shalarth Identity to the concerned employee. Refusal or inaction, as the case may be, on the part of the Deputy Director of Education not only results into deprivation of concerned employee's legitimate right of salary/honorarium, but also causes unnecessary court litigation.

(iii) Deputy Director of Education doesn't sit in appeal over the approval granted by the Education Officer (Secondary), Zilla Parishad while granting Shalarth Identity under GR dated 07-11-2012 r/w GR dated 20-03-2019. However, it's not that the approvals granted by the Education Officers (Secondary), Zilla Parishads cannot be subjected to review at all. Review of an approval is permissible within the four corners of law, the procedure contemplated, and in the peculiar facts of the cases e.g. if the approval was obtained by fraud or misrepresentation etc."

8. In the case in hand, the Deputy Director of Education initially refused to grant Shalarth Identity to the Petitioner disputing the approval granted by the Education Officer, and despite there being directions and orders passed by this Court on a number of occasions. Later even after clear compliance by the Education Officer, the Deputy Director of Education has not yet processed the Shalarth Identity proposal of the Petitioner.

As we have observed, the approval granted by the Education Officer is not excepted from getting it reviewed by the competent authority, but in no case Shalarth Identity can be refused once the approval is granted. Review of the approval can definitely be taken, but in due process and within four corners of law. In the present case, we observe that the Education Officer has even got himself satisfied with the explanation tendered by the School Management, and then has

endorsed the proposal for grant of Shalarth Identity thereby explaining each query raised by the Deputy Director of Education. This exercise has been carried out by the education officer for more than one time.

9. In view of the above, we find that the Petitioner has made out a successful case for issuance of certain directions to the Respondent - Deputy Director of Education. Hence we pass the following order:-

:: ORDER ::

- A)** The Writ Petition stands allowed.
- B)** The Respondent No.4 – Deputy Director of Education is directed to include name of the Petitioner in the Shalarth System and grant Shalarth Identity to the Petitioner, within a period of six weeks from the date of receipt of this order's copy.
- C)** Needless to mention, the Education Officer (Secondary), Zilla Parishad, Solapur and the Deputy Director of Education, Pune shall release the salary grant for the Petitioner within a period of four weeks from the date of granting Shalarth Identity to the Petitioner.
- D)** Rule made absolute in above terms.
- E)** Writ Petition stands disposed of keeping all contentions open to the respective parties in the eventuality.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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