

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**72 WRIT PETITION NO.12701 OF 2018**

BHARATI DHONDU SHEVALE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. D.P.Palodkar, Advocate for Petitioner.

Mr. S.G.Karlekar, AGP for Respondents-State.

Mr. A.S.Kulkarni, Advocate for Respondent Nos.3 & 4.

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**CORAM : S.V. GANGAPURWALA AND  
MANGESH S. PATIL, JJ.**

**DATE : 2<sup>nd</sup> July, 2019**

**PER COURT :-**

1. Mr. Palodkar, the learned counsel for the petitioner submits that the proposal seeking approval to the appointment of petitioner has been rejected only on the ground that the name of the petitioner was not through the Pavitra Portal. According to the learned counsel, the Government Resolution with regard to the Pavitra Portal is dated 23.06.2017. The petitioner is appointed on 16.08.2017 pursuant to the advertisement dated 01.08.2017. Earlier to that, the permission was sought by the Management for filling the posts by filing an application on 12.06.2017. The Pavitra Portal was not operative at the time when the petitioner was appointed.

2. Mr. Karlekar, the learned AGP submits that pursuant to the Government Resolution dated 23.06.2017, the Management could have filled in the posts from amongst the persons enlisted in the Pavitra Portal. The Management did not have right to appoint the employees *de hors* the Pavitra Portal. The Education Officer has rightly passed the order.

3. The learned AGP further submits that the proper procedure even as per Section 5 has not been followed.

4. Mr. Kulkarni, the learned counsel for the Management supports the arguments of Mr. Palodkar, the learned counsel for the petitioner.

5. We have specifically asked the learned AGP as to when the Pavitra Portal became operative. The learned AGP, on instructions, submits that the same became operative on 20.06.2018. The Pavitra Portal modalities were introduced and finalized, whereas according to the learned counsel for petitioner and Management, Pavitra Portal is activated in January 2019.

6. Be that as it may, as per the Management, the vacancy exist and application was also made in June 2017 to the

Education Officer requesting permission to fill in the posts. No response was received. Admittedly, the Pavitra Portal was not operative prior to 20.06.2018. The petitioner's appointment is on 16.08.2017 when the Pavitra Portal itself was not operative. The appointment could not be made through Pavitra Portal and for such a long period the post could not have been kept vacant.

7. Considering the above, the impugned order is quashed and set aside. The Education Officer shall re-consider the proposal seeking approval to the appointment of the petitioner and shall not reject it on the ground on which the impugned order is passed. The same shall be decided expeditiously, preferably within four months.

8. The Writ Petition is disposed of. No costs.

**(MANGESH S. PATIL, J.)      (S.V. GANGAPURWALA, J.)**

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vmk/-