

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6904/2021

Sachin Prabhakar Malap

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Chetan G. Patil for the Petitioners

Mrs. P.J.Gavhane, AGP with Ms. K.N.Solunke, AGP, Mrs. S. S. Bhende, AGP, Mr. N. C. Walimbe, AGP for the State

**CORAM: R.D.DHANUKA &
ABHAY AHUJA, JJ.**

DATED : OCTOBER 20, 2021

P.C.

1 Mr.Patil, the learned counsel for the Petitioner, on instructions, seeks liberty to delete Respondent Nos. 4 and 5.

2 Leave to amend is granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

3 Rule.

By consent of the parties, taken up for final disposal.

The learned AGP waives service for the Respondents.

4 By these petitions under Article 226 of the Constitution of India, the Petitioner seeks a writ of

certiorari for quashing and setting aside the order dated 21.02.2021 and direction for entering the name of the Petitioner in Shalarth Pranali and issue Shalarth ID.

5 Mr. Patil, the learned counsel for the Petitioner states that, the Education Officer, though initially had refused to grant approval to the appointment of the Petitioner on the post of Junior Clerk on 17.05.2017, before filing of the present Writ Petition, the Education Officer has already granted approval to the appointment of the Petitioner for a period of 3 years. He submits that the Dy. Director of Education has, however, issued show cause notice dated 08.02.2021, as to why the approval granted to the Petitioner by the Education Officer should not be cancelled. He submits that though the Dy. Director of Education has passed an order pursuant to the show cause notice, same has not been served on the Petitioner till date.

6 In our view, since the Education Officer has already granted approval, though initially rejected, the Education Officer has no jurisdiction to issue such show cause notice as to why the approval granted by the Education Officer should not be cancelled and could not have refused to enter the name of the Petitioner in the Shalarth Pranali and could not have refused to issue Shalarth ID. Similar orders are passed by this court in a number of petitions.

7 We, accordingly, pass the following order:

a. Rule is made absolute in terms of the prayer clauses (a) and (b).

- b. Name of the Petitioner shall be entered in the Shalarth Pranali and shall issue Shalarth ID within 4 weeks from today.
- c. It is made clear that, we have not gone into the validity of the orders passed by the Education Officer.
- d. The question of validity of those two orders to be decided in the appropriate proceedings.
- e. Rule is made absolute in the aforesaid terms.
- f. Parties to act on an authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D.DHANUKA, J.)