

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.7363/2021

Amit Bajran Garud

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. S. A. Rajeshirke for the Petitioner

Mr. N. C. Walimbe, AGP for Respondent Nos.1 to 4 - State

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

DATED : DECEMBER 1, 2021

P.C.

1 Mr.Rajeshirke, the learned counsel for the Petitioner seeks liberty to delete Respondent Nos.5 and 6 from the cause title of the Writ Petition. Leave granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

2 Rule.

Rule is made returnable forthwith.

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

3 By this petition under Article 226 of the Constitution of India, the Petitioner has impugned the order dated

29.09.2021 passed by the Dy. Director of Education, Kolhapur rejecting the proposal of the Petitioner to include his name in the Shalarth Pranali and to allot Shalarth ID.

4 It is not in dispute that the Education Officer had already granted approval to the appointment of the Petitioner on the post of Jr.Clerk on probation from 02.03.2020 to 01.03.2023. The said order is still in force. Respondent No.2 could not have refused to include the name of the Petitioner in Shalarth Pranali and to allot Shalarth ID. Respondent No.2 ought to have included the name of the Petitioner in Shalarth Pranali in furtherance of the order passed by the Education Officer. In catena of decisions, this Court has held that once the appointment of an employee is approved by the Education Officer, the Dy. Director of Education cannot refuse to enter the name of an employee in the Shalarth Pranali and to allot Shalarth ID.

5 Mr. Walimbe, the learned AGP, however, states that though the officer who has passed the impugned order, has also passed similar illegal orders in several matters. The State Government has proposed to take action against the concerned Education Officer. Similar arguments are considered by this court in several matters and allowed the petitions with clarification on this aspect.

6 We, accordingly, pass the following order:

- a. Rule is made absolute in terms of prayer clauses (a), (b) and (c).

- b. The Dy. Director of Education is directed to enter the name of the Petitioner in Shalarth Pranali and thereafter allot Shalarth ID to the Petitioner not before expiry of six weeks from today.
- c. The payment due to the Petitioner in view of the approval already granted by the Education Officer shall be made within four weeks from the date of entering the name of the Petitioner in the Shalarth Pranali.
- d. It is made clear that this Court has not restrained the State Government to initiate any action against the erring Officer. This Court has not gone into the validity of the order passed by the Education Officer.
- e. The Writ Petition is allowed accordingly.
- f. No order as to costs.

(ABHAY AHUJA, J.)

(R.D.DHANUKA, J.)