

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7745 OF 2021

Vandana d/o. Govind Kale

... Petitioner.

V/s.

The State of Maharashtra, through its
Secretary, Education Dept. Mantralaya,
Mumbai-32 & Ors.

... Respondents.

Mr. Vilas S. Panpatte, Advocate for the Petitioner.

Ms. Sushma S. Bhende, AGP for the State – Respondent Nos. 1 to 4.

Ms. Pratibha D. Shelke, Advocate for Respondent Nos. 5 & 6.

**CORAM : R.D. DHANUKA & R.N. LADDHA, JJ.
DATE : DECEMBER 20, 2021.**

P.C. :

1 Ms. Bhende, learned AGP waives service of Rule on behalf of the State-Respondent Nos.1 to 4. Ms.Shelke, learned Advocate waives service of Rule for Respondent Nos. 5 & 6.

2 By consent of the parties, the Petition is heard finally.

3 By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks writ of mandamus or order or direction against the Respondent No. 2 to include the name of the Petitioner, working with Respondent No.6-School in the list of “Shalarth Pranali” and release the salary of the Petitioner and further reliefs.

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4 Learned counsel for the Petitioner has invited our attention to the orders passed by the Education Officer, granting approval to the appointment of the Petitioner and also recommendations made by the Education Officer to the Deputy Director of Education, Pune and to include the name of the Petitioner in ‘Shalarth Pranali’. The Petitioner is thus not getting salary though the name of the Petitioner for appointment is already approved by the Education Officer. Name of the Petitioner is not entered in the ‘Shalarth Pranali’ by the Deputy Director of Education till date.

5 Learned counsel for the Petitioner has invited our attention to the Judgment delivered by this Court on 22nd July, 2021 in Writ Petition No. 3141 of 2021 filed by Aparna D/o. Vikas Thakkur & Anr. vs. State of Maharashtra & Ors. and the Judgment dated 6th October, 2021 passed by this Court in Writ Petition No. 8641 of 2019 filed by Shri Sagar Prakash Pangul vs. State of Maharashtra & Ors.. He submits that the issues involved in the present Petition are no longer *res-integra* in view of the above two judgments delivered by this court in the said Writ Petitions. Learned AGP could not distinguish the said judgments cited by the learned counsel for the Petitioner.

6 In our view, since the Education Officer has already granted approval to the appointment of the Petitioner, the Deputy Director of Education cannot withheld its decision to include the name of the Petitioner with Respondent No. 6-School in the list of “Shalarth Pranali” and release her salary. There are no allegations of fraud, suppression or misrepresentation against the Petitioner or the

Management in appointing the Petitioner. We accordingly, pass the following order :

ORDER

- (i) Writ Petition is allowed in terms of prayer Clauses (b) and (c).
- (ii) Rule is made absolute in the above terms with no order as to costs.

Parties to act on an authenticated copy of this order duly issued by the Registry of this Court.

(R.N. LADDHA, J.)

(R.D. DHANUKA, J.)

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