

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8949 OF 2021

Ravindra G. Giri	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION NO.8953 OF 2021

Swanand S. Kamble	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

WITH
WRIT PETITION NO.8955 OF 2021

Amol A. Kokitkar	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

AND
WRIT PETITION NO.8957 OF 2021

Darshan D. Kanase	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.P.S. Bhavake for the Petitioner in all the above Writ Petitions.

Mr.Vikas M. Mali, AGP for the State – Respondent in WP No. 8949 of 2021.

Mr.S.B. Kalel, AGP for the State – Respondent in WP Nos.8955 of 2021 and 8957 of 2021.

Mr.N.K. Rajpurohit, AGP for the State – Respondent in WP No.8953 of 2021.

CORAM : R.D. DHANUKA &
R.N. LADDHA, JJ.
DATE : 15TH DECEMBER, 2021.

P.C. :-

1. Leave to amend is granted to the petitioner in Writ Petition No.8957 of 2021 so as to seek an order and direction against the Deputy Director of Education for inclusion of the name of the petitioners in Shalarth Pranali and for an order and direction against the Education Officer to release the payment of salary. The amendment to be carried out within one week from today. The amendment shall also be carried out in the copies supplied to the respondents simultaneously.
2. Mr.Bhavake, learned counsel for the petitioners in the above writ petitions seeks liberty to delete the respondent nos.6 and 7 from the cause title of the writ petitions. The amendment to be carried out forthwith. Re-verification is dispensed with.
3. Learned counsel for the petitioner and the learned AGP jointly states that all the above writ petitions can be disposed of by a common order.
4. In this batch of writ petitions, the petitioners have prayed for a writ of mandamus directing the Deputy Director of Education to forthwith allot Shalarth ID to the petitioners and grant permission to

the Education Officer for including the name of the petitioners in the Shalarth Pranali, and payment of salary including the arrears of salary of the petitioners from the initial date of appointment. Learned counsel for the petitioners tenders a chart showing the name of each of the petitioners, date of appointment, post held by each of the petitioners, date of order granting approval by the Education Officer and the date of impugned order.

Sr.No.	Writ Petition No.	Name of the Petitioner	Date of Appointm ent (w.e.f.)	Post	Date of granting approval
1	8949/2021	Ravindra Gulabdas Giri	15.7.2015	Junior Clerk	9.9.2021
2	8957/2021	Darshan Dadaso Kanase	24.2.2020	Junior Clerk	9.8.2021
3	8953/2021	Swanand Sanjay Kamble	2.3.2020	Lab. Assistant	9.9.2021
4	8955/2021	Amol Ashok Kokitkar	2.3.2020	Junior Clerk	9.9.2021

5. In our view the Deputy Director of Education cannot refuse to enter the name of the petitioners in the Shalarth Pranali in view of the order of approval already granted by the Education Officer. This issue is concluded in catena of decisions delivered by this Court.

6. Learned counsel for the petitioners submits that during the pendency of Writ Petition No.8957 of 2021, the Education Officer has granted approval to the appointment of the petitioner on 9th August,

2021. He tenders a copy of the said order. A copy of the said letter is taken on record. He submits that though the Education Officer has granted approval to the appointment of the petitioner, the Deputy Director has not included the name of the petitioner in the Shalarth Pranali and thus the Deputy Director of Education be directed to include the name of the petitioner in Shalarth Pranali and release the payment of salary.

7. Mr.Mali, learned AGP however states that the Education Officer, who has passed the order has passed several illegal orders in identical matters. State Government has initiated an action against the said Education Officer. Statement is accepted.

8. We accordingly pass the following order :-

a). The Deputy Director of Education is directed to enter the name of the petitioners in Shalarth Pranali not before the expiry of six weeks from today.

b). The arrears of salary, if any, shall be released by the Deputy Director of Education within four weeks from the date of entering the names of the petitioners in Shalarth Pranali.

c) The salary shall be paid from the initial date of appointment of each of the petitioners.

d). It is clear that this Court has not restrained the State Government to initiate any action against the erring officer. We have

not expressed any views on the correctness of the orders passed by the Education Officer.

e). All the above writ petitions are allowed in aforesaid terms.

f). Rule is made absolute. There shall be no order as to costs. Parties to act on the authenticated copy of this order.

(R.N. LADDHA, J.)

(R.D. DHANUKA, J.)

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT
ANANDRAO
IDHOL
Date: 2021.12.20
11:06:30 +0530