

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

951 WRIT PETITION NO. 4987 OF 2022

Divate Vinod S/o. Bhimraj, **...PETITIONER**
Age-34 years, Occu-Asst. Teacher,
R/o. Ku8mabharwadi, Tq. Sangamner,
Dist. Ahmednagar

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through the Principal Secretary,
Secondary School Education Department,
Mantralaya, Mumabai-32
2. The Deputy Director of Education,
Pune Region, Pune, 411 001
3. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
4. Sahyadri Bahujan Vidya Prasarak Samaj,
A/p. & Tq. Sangamner, Dist. Ahmednagar,
Pin Code 422 605
Through its Secretary
5. Sahakarmaharshi Bhausahab Santuji Thorat,
Madhyamik Vidyalaya, A/P Khali,
Tq. Sangamner, Dist. Ahmednager
Through its Headmaster

Mr. Shivaji T. Shelke, Advocate for the petitioner
Mr. S. K. Tambe, AGP for the respondents/State

AND

954 WRIT PETITION NO. 5003 OF 2022

Vaidya Pallavi D/o. Badshaha, **...PETITIONER**
Age-29 years, Occu-Asst. Teacher,

R/o. Kolhewadi, Tq. Sangamner,
Dist. Ahmednagar

VERSUS

1. The State of Maharashtra, ...RESPONDENTS
Through the Principal Secretary,
Secondary School Education Department,
Mantralaya, Mumabai-32
2. The Deputy Director of Education,
Pune Region, Pune, 411 001
3. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
4. Sahyadri Bahujan Vidya Prasarak Samaj,
A/p. & Tq. Sangamner, Dist. Ahmednagar,
Pin Code 422 605
Through its Secretary
5. Bhimaji Ambuji Shinde Biroba Vidyalaya
A/P Rahimpur, Tq. Sangamner,
Dist. Ahmednagar
Through its Headmaster

Mr. Shivaji T. Shelke, Advocate for the petitioner
Mr. S. K. Tambe, AGP for the respondents/State

AND

969 WRIT PETITION NO. 2752 OF 2022

Gorde Hemant Sopan, ...PETITIONER
Age-31 years, Occu-Service,
R/o. Astagaon, Tq. Rahata,
Dist. Ahmednagar

VERSUS

1. The State of Maharashtra, ...RESPONDENTS
Through the Principal Secretary,

Secondary School Education Department,
Mantralaya, Mumabai-32

2. The Deputy Director of Education,
Pune Region, Pune, 411 001
3. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
4. Shri Ganesh Vidya Prasarak Mandal,
Ganesh Nagar, Post Ranjangaon (Kd),
Tq. Rahata, Dist. Ahmednagar,
Through its Executive Trustee
5. Rajmata Jijau Madhyamik Vidyalaya,
Ganesh Nagar, Ranjangaon, (Kd)
Tq. Rahata, Dist. Ahmednagar,
Through its Headmaster

Mr. Shivaji T. Shelke, Advocate for the petitioner
Mr. A. R. Kale, AGP for the respondents/State
Mr. S. S. Wagh, Advocate for the respondent Nos. 4
and 5

AND

970 WRIT PETITION NO. 2775 OF 2022

Thombre Nandkumar Madhukar,
Age-31 years, Occu-Service,
R/o. Shirdi, Tq. Rahata,
Dist. Ahmednagar

...PETITIONER

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through the Principal Secretary,
Secondary School Education Department,
Mantralaya, Mumabai-32
2. The Deputy Director of Education,
Pune Region, Pune, 411 001

3. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar
4. Shri Ganesh Vidya Prasarak Mandal,
Ganesh Nagar, Post Ranjangaon (Kd)
Tq. Rahata, Dist. Ahmednagar,
Through its Executive Trustee
5. Jai Hanuman Vidyalaya,
At Ranjangaon Deshmukh,
Tq. Kopargaon, Dist. Ahmednagar
Through its Headmaster

Mr. Shivaji T. Shelke, Advocate for the petitioner
Mr. A. R. Kale, AGP for the respondents/State
Mr. S. S. Wagh, Advocate for the respondent Nos. 4
and 5

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATE : 04th May, 2022

JUDGMENT:

1. Rule. Rule made returnable forthwith.
2. The learned AGP waives service of notice
for the respondents/State.
3. By this petition filed under Article 226 of
the Constitution of India, the petitioner has prayed
for setting aside the order passed by the Dy.
Director Education dated 08-04-2022 regarding

rejection of the proposal for inclusion of name of the petitioner in Shalarth ID for monthly salary payments.

4. It is not in dispute that the Education officer has already approved the appointment of the petitioner. The proposal was submitted by the Management for inclusion of the name of the petitioner in Shalarth Pranali on 27/11/2021. By order dated 08-04-2022 the Dy. Director of Education has rejected the proposal on the ground that there was no explanation as regards the vacancy of unaided post occurred in 2018.

5. The learned counsel for the petitioner invited our attention to the judgment of this court passed on 21-01-2022 in WP No. 8881 of 2021 (Abhijit Ashok Waje Vs The State of Maharashtra and others) and other companion matters and would submit that Dy. Director Education has no jurisdiction or authority to reject the proposal for inclusion of the employee in Shalarth ID unless there are allegations of fraud or suppression against the employee or management. He would submit that in this case no such allegations are made by the respondent No.2-Dy. Director of Education.

6. Since the Education Officer has already

granted approval to the appointment of the petitioner, Dy. Director of Education could not have rejected the proposal for inclusion of the name of the petitioner in Shalarth ID on the ground that there was no explanation as regards the vacancy for unaided post occurred in 2018.

7. In our view the order passed by the Dy. Director is totally without authority and contrary to the well settled the principle of law laid down by this court in writ petition No. 8881 of 2021 in the case of Abhijit Ashok Waje (supra) and in catena of decisions delivered by this court subsequently. We accordingly pass the following order:

ORDER

i. The writ petition is allowed in terms of prayer clause-B and C.

ii. Name of the petitioner shall be included in the Shalarth ID within the period of two weeks from the date of communication of this order. Arrears of salary if any shall be released within four weeks thereafter.

iii. Rule is made absolute.

iv. Parties to act upon authenticated copy
of this order.

[S. G. MEHARE, J.]

[R. D. DHANUKA, J.]

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