

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

959 WRIT PETITION NO.12405 OF 2021

RANJIT SHIVAJI RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr.Chandrakant K. Shinde
AGP for Respondent Nos.1 to 3 : Mr.P.S.Patil

**CORAM : RAVINDRA V. GHUGE &
SANDIPKUMAR C. MORE, JJ.**

DATE : 8th June, 2022

PER COURT:-

1. This petition raises a very short issue. Petitioner No.1 was appointed on compassionate basis as a Peon on 24th June, 2015. The School is 100% grant in aid. His appointment was approved by the orders of the Education Officer on 3rd November, 2017, as a Probationer and on 30th December, 2019, as a permanent employee. The only issue is as to whether his name can be included in the Shalarth ID System to facilitate payment of his regular salary.

2. The learned AGP representing the respondents sought time for filing an affidavit-in-reply. However, since we noticed that the issue before us is covered by catena of Judgments of this Court and all such Judgments have been considered by this Court in *Yogita w/o Shivsing Nikam Vs. State of Maharashtra and others*

[2022 (2) Mh.L.J. 370], we requested the learned AGP to address the Court. Though, he has vehemently opposed this petition, he fairly states that issue involved in this petition is squarely covered by *Yogita w/o Shivsing Nikam* (supra).

3. It is apparent that respondent No.2 has declined to enter the name of petitioner No.1 in the Shalarth ID System since he was appointed when the staffing pattern was not formalized. This issue will not detain us for the reason that this Court has consistently held that pendency of formalization of staffing pattern would not be an impediment for appointment on compassionate basis, as per the policy of the Government.

4. The petitioners also inform us that because of the refusal of entry of petitioner No.1 in Shalarth ID System, his salary has not been paid since 2015 i.e. from the date of his appointment.

5. In view of the above, this petition is allowed in terms of prayer clauses B and C which read as under :-

“B) By issue of writ of certiorari or any other appropriate writ, order or direction in the like nature, the impugned order dated 24/02/2020 (Exhibit -C) issued by the respondent no.2 - The Deputy Director of Education, Aurangabad, Division Aurangabad may kindly be quashed and set aside.

C) By issue of writ of mandamus or any other appropriate writ or order, the respondent no.2 - the Deputy Director of Education, Aurangabad Division, Aurangabad, may kindly be directed to include the name of petitioner no. 1 in Shalarth ID system and release his monthly salary with the arrears thereof."

6. The name of petitioner No.1 shall be entered in the Shalarth ID system by respondent No.2, on or before 30th June, 2022. Consequently, the unpaid salary of petitioner No.1 shall be calculated by petitioner No.2 Institution and salary bills shall be forwarded to respondent No.3, on or before 15th July, 2022. Considering the direction of entering the name of petitioner No.1 in the Shalarth ID system, the unpaid salary of petitioner No.1 shall be released by following the due procedure, on or before 30th July, 2022 and his regular salary shall also be paid on the pay date by following due procedure w.e.f. month of July, 2022.

7. No costs.

(**SANDIPKUMAR C. MORE**)
JUDGE

(**RAVINDRA V. GHUGE**)
JUDGE