

Uday S. Jagtap

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

WRIT PETITION NO. 4581 OF 2018

Sankpal Babaso Mahadev

.. Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

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Mr. C.G. Gavnekar a/w Mr. Ashutosh Gavnekar for the petitioner
Mr. V. M. Mali, AGP for the respondent – State
Mr. Nikhil Pawar for respondent nos. 4 to 6

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**CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.**

DATE : 15th MARCH, 2022.

P.C.

1. Heard.

2. Rule. Rule is made returnable forthwith by consent of parties.

3. In this case, there is no doubt whatsoever about the appointment of the petitioner as a lecturer on part-time basis as well as on full time basis, has been duly approved by the Director, Board of College & University Development. The last of the approvals came on 16.09.2008.

4. This approval granted by the Director clearly shows that the appointment of the petitioner as a full time lecturer has been confirmed by him. Once the approval is granted, the Deputy Director of Education, at the time of inclusion of the name of such an employee of the college, in the Shalarth system, cannot once again go into the correctness or otherwise of the approval granted to the appointment of the college lecturer. While considering the similar issue pertaining to the teaching staff of the school, this Court in its judgment delivered in the case of **Amol Baban Sangar Vs. State of Maharashtra and Ors.** (Writ Petition No. 8966 of 2021), dated 21.02.2022, held that once approval is granted by the Education Officer to the appointment of school employees, the Deputy Director, Education would have no jurisdiction to refuse to enter the name of school employees in the Shalarth system. It was also observed that the Shalarth System has been initiated for facilitating the online payment of salary to the school employees and, therefore, the question of entering of name of school or college employees in Shalarth system has to be decided strictly in accordance with the Government Resolution dated 07.11.2012, which does not confer any Authority upon the Deputy Director or any other equivalent Authority to review the decision taken regarding grant of approval to the appointment of that employee. This Court had also directed that the State of Government would issue necessary instructions to all the Authorities regarding strict adherence to the Government Resolution dated 07.11.2012 and see that the parameters set out in the said G.R. are not reached while considering the matters pertaining to grant of approval for

inclusion of names of the school employees in the Shalarth system. These directions equally apply to the appointment of lecturer, like the present petitioner. Of course, the learned AGP has submitted that there was a prohibition upon clubbing together of two posts of part time lecturers and, therefore, according to him, approval could not have been granted.

5. The learned Counsel for the petitioner submits that such prohibition came into force some time in the year 2015 and that the appointment of the petitioner initially as part timer and subsequently as full timer, was made as per the Government Resolution dated 05.07.1978 issued by the Department of Education. The copy of said Government Resolution is produced before this Court, which is taken on record and marked 'A' for identification.

6. We find that the case of the petitioner is covered by the Government Resolution dated 05.07.1978 and, therefore, no fault could have been found in the approval of the appointment of the petitioner, granted earlier on this count. Even otherwise, the approval has been granted in the year 2008 and, therefore, the prohibition which came into force in the year 2015 was not applicable.

7. In the result, we find that this petition deserves to be allowed. Accordingly, the petition is allowed in terms of prayer clause (b). Rule is made absolute in the above terms.

8. It is directed that the salary together with admissible arrears be released to the petitioner within a period of four weeks from the date of receipt of copy of this order.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]