

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7953 OF 2022

Mr. Nihal Samad Mullaji ... Petitioner.
Versus
 The State of Maharashtra and Others. ... Respondents.

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Mr. Mandar G. Bagkar for the Petitioner.
 Mr. V.M. Mali, AGP for Respondent Nos.1 to 3-State.
 Mr. Ajay Raje Nimbalkar i/by Bhooshan Mandlik for Respondent
 Nos.4 and 5.

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CORAM : NITIN W. SAMBRE &
 SHARMILA U. DESHMUKH, JJ.

DATE : December 20, 2022.

P. C. :

1. Heard.

2. The challenge in the petition is to the order dated 5th May, 2022 passed by the Respondent No.2 whereby refusing the proposal for grant of *Shalarth Pranali ID* in favour of the Petitioner.

3. The claim of the Petitioner is, the Respondent No.4-Minority Institution is managing the Respondent No.5-School in which the Petitioner was appointed as “Shikshan Sevak” *vide* order dated 24th February, 2020. According to him, the appointment of the Petitioner is on an honorarium pay of Rs.2000/- p.m. on the post of Shikshan Sevak, which is duly approved by Respondent

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No.3-Education Officer *vide* approval dated 7th March, 2022.

4. Drawing support from the orders of this Court in the matter of *Shital Kumar Patil Vs. State of Maharashtra and others* with connected matters, decided on 16th July, 2021 in Writ Petition No.4273 of 2019, Writ Petition No. 6897 of 2021, in the matter of *Ashwini Yogesh Shete Vs. State of Maharashtra and others* with other connected matters, decided on 20th October, 2021, he would urge that once the Education Officer has granted the approval, the Deputy Director of Education has no authority to reject the proposal for insertion of the name of the Petitioner in the *Shalarth Pranali*.

5. Learned Assistant Government Pleader supports the order impugned. Similarly, the counsel for the Management would urge that in the facts and circumstances of the case appropriate orders may be passed.

6. Having appreciated the submissions, what can be noticed is the Respondent No.2-Deputy Director of Education, Kolhapur *vide* order impugned dated 5th May, 2021 has noted certain shortfall which he has called upon the Education Officer and the School to comply with.

7. The counsel for the Respondent-School submits that the compliance shall be reported through an Education Officer to the Deputy Director of Education within a period of six weeks from today. If the aforesaid compliance as reflected in the order

impugned dated 5th May, 2022 are complied with by the Respondent Nos.4 and 5 through Respondent No.3 to the Deputy Director of Education, we direct the Respondent No.2-Deputy Director of Education to decide the said issue afresh having regard to the law laid down by this Court in the aforesaid writ petitions.

8. We also direct the Respondent No.2-Deputy Director of Education to take decision on the proposal within a period of four weeks from the receipt of the same.

9. The Writ Petition stands disposed of.

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]