

Uday S. Jagtap

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

WRIT PETITION NO. 13223 OF 2022

Nav Maharashtra Shikshan Mandal,
Mangaon & Ors. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

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Mr. Prashant Bhavake for the petitioners
Mr. S.B. Kalel, AGP for the respondent – State

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**CORAM : S.V. GANGAPURWALA &
S.G. DIGE, JJ.**

DATED : 18th NOVEMBER, 2022.

P.C.

1. The proposal seeking issuance of Shalarth ID to the petitioner no.3 is rejected. We have heard the learned Counsel for the petitioners and learned AGP for the respondent – State.

2. The petitioner no.3 was appointed as a Junior Clerk on 15th June, 2007. His appointment as a Junior Clerk is approved. The petitioner thereafter transferred to the aided post on 1st November, 2021. The transfer of the petitioner to the aided post is also

approved. Thereafter, the management forwarded the proposal for issuance of Shalarth ID to the petitioner. The Deputy Director of Education rejected the said proposal on the ground that there is amendment proposed and the same is under consideration. The amendment proposed by way of Rule 41 (b) of the MEPS Rules.

3. It is not disputed that Rule 41 (b) is not yet added in the statute book. The same is not yet in force. The respondent cannot reject the proposal on the ground that in future amendment would be made. The Deputy Director of Education is required to consider the position as existing on the date, on which the petitioner is transferred on the aided post.

4. In light of that, the impugned order is quashed and set aside. The Deputy Director of Education shall issue Shalarth ID to the petitioner within six weeks from today.

5. The Writ Petition is accordingly allowed. No costs.

(S.G. DIGE, J.)

(S.V. GANGAPURWALA, J.)