

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

WRIT PETITION NO.3458 OF 2022

Avinash Dharma Rathod

...Petitioner

Vs.

The Deputy Director, Education Mumbai
Division and Ors

...Respondents

WITH

WRIT PETITION NO.15728 OF 2022

Prachi Ramesh Sonkusar

...Petitioner

Vs.

The Deputy Director, Education Mumbai
Division and Ors

...Respondents

Mr. Niranjan Bhavake i/b Bhavake & Associates for the Petitioners.

Mr. K. S. Thorat, Assistant Government Pleader for Respondent Nos.1 and 2-State.

Mr. Mayuresh S. Lagu for Respondent Nos.3 and 5.

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

DATED : 20 DECEMBER 2022.

P. C. :

Appointment of both the Petitioners were approved by the Education Officer (Secondary) on 25/10/2017. As such the Petitioners who are serving in aided Institution, are entitled for salary from the salary grant as are admissible. It appears that the Petitioner's claim for inclusion in Shalarth Pranali is returned back by the Respondent-Deputy Director to Education Officer vide communication dated 28/3/2022 on the ground that the shortfalls which are

communicated to the Education Officer vide 19/10/2020 are not complied with.

3. In the aforesaid background, having regard to the law laid down by the Division Bench of this Court in the matter of *Amol Baban Sangar vs. The State of Maharashtra & Ors. decided on 21/2/2022 in Writ Petition No.8966/2021*, it will be appropriate to pass the following order:

i) Respondent No.2- Education Officer shall submit the proposal of the Petitioners for inclusion of their names in Shalarth Pranali after complying with the shortfalls which are communicated by the Deputy Director of Education vide communication dated 19/10/2020, in any case within a period of 10 weeks from today. If so required the Education Officer can call for compliance from respondent-Management. Once said proposal is received by the Deputy Director of Education, we expect him to take decision on the same having regard to the law laid down in the matter of *Amol Sangar (cited supra)*.

ii) We direct Respondent No.1 to take decision on said proposal, in any case within a period of 8 weeks from the date of receipt of the proposal from the Education Officer. It shall be open for the Petitioners to explain their propositions by written submission before the Deputy Director of Education.

4. Both the petitions are disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN W. SAMBRE, J.)