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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2569 OF 2022

Latif Fattasing Gavit .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents

....

Mr. Prashant Bhavake, for the Petitioner.

Mrs. P.N. Diwan, AGP, for State.

....

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

DATE : 7 MARCH 2022

P.C:-

Not on board. Allowed to be taken on board by
production.

2. Heard learned Counsel for the Petitioner and learned AGP
for Respondent Nos. 1 to 5. Considering the nature of relief sought in
this petition, we find that there is no need to issue any notice to the
remaining Respondents.

3. The Petitioner was appointed initially as Shikshan Sevak
and thereafter as Assistant Teacher as per the approval granted by the

Education Officer (Secondary) on 5 March 2019. However, when it came to inclusion of the name of the Petitioner in Shalarth System, the Deputy Director of Education found some irregularity in the appointment and, therefore, rejected the proposal of the school for entering the name of the Petitioner in Shalarth System. Such a course, in the name of commission of some irregularity of the school employee's appointment is not permissible in law is the view taken by this Court in Writ Petition No.8966 of 2021, Amol Baban Sangar vs. State of Maharashtra and Others dated 21 February 2022 and, therefore, the impugned order is bad in law.

4. In view of above, the petition is allowed in terms of prayer clause (b), reproduced as under:

“(b) By a suitable Writ, Order or direction, this Hon’ble Court be pleased to quash and set aside impugned order dated 31-1-2020 passed by the Respondent No.4-Deputy Director of Education, Kolhapur Region, Kolhapur, thereby rejecting the proposal for issuing Shalarth ID to the Petitioner by including his name in Shalarth Pranali for online payment of salary and accordingly be pleased to further direct the Respondent No.4 to forthwith allot Shalarth ID to the Petitioner and also to grant permission to Respondent No.5-Education Officer for including name of the Petitioner in Shalarth Pranali for online payment of salary and be pleased to further direct Respondents to release entire arrears of Petitioner's salary within the stipulated period as this Hon’ble Court may deem fit and proper.”

5. The entire process of inclusion of the name of the Petitioner in Shalarth System and payment of salary, including admissible arrears to the Petitioner, shall be completed by the Deputy Director of Education at the earliest and in any case within a period of four weeks from the date of receipt of the order.

6. Writ petition is disposed of in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)