

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2568 OF 2022

Ku. Deepali Maruti Kumbhar .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents

....

Mr. Prashant Bhavake, for the Petitioner.

Mr. N.K. Rajpurohit, 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 10 May 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 Febraury 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 8-11-2021 passed by the Respondent No.4-Deputy Director thereby rejecting proposal for Shalarth ID and accordingly, be pleased to direct the Respondent No.4-Deputy Director to allot Shalarth ID to the Petitioner and accordingly grant permission to the Respondent No.5-Education Officer to include the name of the Petitioner in Shalarth Pranali within 2 weeks or any other period which this Hon’ble Court may deems fit and proper and accordingly be pleased to further direct the Respondent to release entire arrears of Petitioner's salary from the initial date of appointment within the further period of four weeks thereafter or any other period which 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.)