

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3987 OF 2022**

Shri. Nikhil Dinkar Ghule ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Prashant Bhavake, for the Petitioner.
Mrs. S.S. Bhende, AGP, for Respondent Nos. 1 to 5-State.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 5th APRIL, 2022.

P.C.:

Heard learned Counsel for the Petitioner and learned AGP, who appears by waiving notice for Respondent Nos. 1 to 5. There is no need to issue any notice to Respondent Nos. 6 and 7 as no relief is claimed by them.

2 Rule. Rule made returnable forthwith. Heard finally, by consent.

3 In Writ Petition No. 8966 of 2021 (*Amol Baban Sangar Vs. The State of Maharashtra and Ors.*) decided on 21st February, 2022, this Court has discussed at length the Government Resolution dated 7th November, 2012 by which

the Shalarth system was brought into force.

4 This Court observed that only object of the Government Resolution was to streamline the system of payment of salary to the school employees and to bring complete uniformity and transparency in payment of salary by all schools. This Court also observed that the Government Resolution does not contain any clause which requires the Deputy Director, Education, for that matter any other Officer of the State, to reconsider the issue of grant of approval. This Court further observed that the Government Resolution does not vest any Officer with any authority to review the order of grant of approval to the appointment of any school employee by the Education Officer.

5 On going through the impugned order, we find that the Respondent No. 4 has exceeded authority and going beyond the scope of Government Resolution dated 7th November, 2012 has reopened the issue of grant of approval to the appointment of the Petitioner as Junior Clerk which is not permissible in law. If the issue of grant of approval to the appointment of any teaching or non-teaching candidate is to be reopened, there is a procedure which is required to be

followed by Deputy Director and that procedure is contained in Government Resolution dated 7th November, 2012.

6 Thus, we find that the issue involved in the Petition is squarely covered in the case of *Amol Baban Sangar (supra)*. Therefore, this Petition deserves to be allowed.

7 Petition is allowed in terms of prayer Clause (b).

8 Rule is made absolute in the above terms. No costs.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]