

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

WRIT PETITION NO.1764 OF 2022

Vijaykumar Kashinath Kalshetti ..Petitioner

V/s.

The State of Maharashtra & Ors. ..Respondents

**WITH
WRIT PETITION NO.1769 OF 2022**

Dhanaji Mhaku Doltade ..Petitioner

V/s.

The State of Maharashtra & Ors. ..Respondents

**WITH
WRIT PETITION NO.1754 OF 2022**

Alan Albert Fernandes ..Petitioner

V/s.

The State of Maharashtra & Ors. ..Respondents

**WITH
WRIT PETITION NO.1748 OF 2022**

Datta Maruti Palkar ..Petitioner

V/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Chetan G. Patil a/w. Mr. Mandar G. Bagkar for the Petitioners.
Mr. N. K. Rajpurohit, AGP for the Respondent-State.

Corrected pursuant to speaking to minutes order dated 25/2/2022.

**CORAM : SUNIL B. SHUKRE AND
AMIT BORKAR, JJ.
DATE : 21 FEBRUARY 2022.**

P. C.

Leave to amend in Writ Petition Nos.1764/2022 and 1769/2022 to incorporate necessary pleadings and prayers regarding passing of the impugned order during pendency of the Petitions is granted. Amendment be carried out forthwith.

2. Heard. Rule. Rule is made returnable forthwith by consent of the parties.

3. The facts not in dispute in these Petitions are regarding dates of appointment of the Petitioners and dates/approval of their appointment as Shikshan Sevak/Assistant Teacher.

4. The details of these Petitioners concerning their dates of appointment, date of approval, date of impugned order and post at which the approval were granted are given in tabular form as follows:

Name	Writ Petition No.	Post	Date of appointment	Approval date	Impugned order date
Mr. Vijaykumar Kashinath Kalshetti	1764/2022	Shikshan Sevak/ Assistant Teacher	1/12/2012	23/3/2021 / 10/6/2021	13/8/2021
Mr. Dhanaji Mhaku Doltade	1769/2022	Shikshan Sevak/ Assistant	1/10/2013	23/3/2021 / 10/6/2021	13/8/2021

Corrected pursuant to speaking to minutes order dated 25/2/2022.

		Teacher			
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Name	Writ Petition No.	Post	Date of appointment	Approval date	Impugned order date
Mr. Alan A. Fernandis	1754/2022	Shikshan Sevak/ Assistant Teacher	14/6/2021	20/8/2021	12/10/2021
Mr. Datta M. Palkar	1748/2022	Shikshan Sevak/ Assistant Teacher	1/1/2021	2/7/2021	12/10/2021

5. However, when it comes to inclusion of their names in the Shalarth system, the Deputy Director , Education saw some irregularity in their appointment and therefore, by impugned order refused to enter their names in the Shalarth system.

6. In Writ Petition No.8966/2021 we have already taken a view that while considering the names of school employees for their inclusion in Shalarth system, the Deputy Director, Education has no authority to reopen the issue of grant of approval to the appointment of school employees in unfavourable manner or otherwise and that he cannot go beyond the parameters prescribed in the Government Resolution dated 7/11/2012. The facts of these Petitions are similar to the facts of the said Petition and therefore, the issue involved in all these Petitions would be covered by the decision rendered by us today in Writ Petition No.8966/2021.

Corrected pursuant to speaking to minutes order dated 25/2/2022.

7. The Petitions are therefore allowed in terms of prayer clause (a) for the same reasons as stated in Writ Petition No.8966/2021. We further direct that names of all the Petitioners be included in the Shalarth system, in accordance with law at the earliest.

(AMIT BORKAR, J.)

(SUNIL B. SHUKRE, J.)