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

WRIT PETITION NO. 2407 OF 2022

Suhas Shankar Patade

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Prashant Bhavake for the Petitioner

Ms. P.J. Gavhane, AGP for the Respondent – State

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

DATE : 7 MARCH 2022

P.C. :-

Heard the learned Counsel for the Petitioner and the learned AGP, who appears by waiving notice on behalf of Respondent Nos. 1 to 5. Since the relief is sought only against the Respondent No.5, we do not think it necessary to issue any notice against Respondent No.4.

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

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3. It is on record that the Petitioner was initially appointed as Shikshan Sevak, which appointment was approved by the Education Officer by the order passed on 22.05.2020. It is also on record that thereafter, the appointment of the Petitioner as the Assistant Teacher also received approval of the Education Officer as per order dated 23.06.2020. So after these approvals, there should ordinarily be no reason to once again reopen the issue of approval, find out some irregularity in granting the approvals and then reviewing the order of approvals, cancel the approvals granted to such appointment of the Petitioner, unless a case of fraud committed by the Petitioner or misrepresentation of the facts or suppression of the material facts made by the Petitioner is made out. But, these are not the grounds taken recourse to in reviewing the approvals granted to the appointment of the Petitioner, in the impugned order dated 04.09.2020. The impugned order cancels the earlier approval on the ground of some irregularity committed in making appointment initially as Shikshan Sevak and later on as Assistant Teacher of the Petitioner. This is not permissible in law and this is all the more so while considering the issue of granting Shalarth ID to an Assistant Teacher like the Petitioner. This view was taken by this Court in the judgment delivered in Writ Petition No. 8966 of 2021 (*Amol Baban Sangar v/s. The State of Maharashtra and Ors.*) decided on 21 February 2022. The impugned order is, therefore, illegal.

4. The Petition is, therefore, allowed. The impugned order is hereby quashed and set aside.

5. The Respondent No.4 is directed to include the name of the Petitioner in the Shalarth system and Shalarth ID and then release the admissible arrears of salary to the Petitioner within a period of four weeks from the date of receipt of the order.

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

G.A. SANAP, J.

SUNIL B. SHUKRE, J.