

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

44 WRIT PETITION NO.3758 OF 2023

**KISHOR YOURAJ PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Mr S. S. Dambe, Advocate for Petitioner;
Mr S. P. Tiwari, A.G.P. for Respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 3rd April, 2023

PER COURT:

1. Leave to correct prayer clauses (C) and (D).
Correction be carried out forthwith.
2. The Petitioner has put forth prayer clauses (B), (C)
and (D), which read as under :-

(B) By issuing writ of mandamus or any other writ, order or directions the respondent no. 3 may direct to re-consider the proposal dated 15.10.2022 (Exhibit-G) and consider the case of the petitioner for grant of Shalarth ID within a stipulated time.

(C) The impugned communication/order dated 12.10.2021 and 15.03.2023 (Exhibit.- F&H) issued by the respondent No.3 may kindly be quashed and set-aside and direct to issue Shalarth ID to petitioners within a stipulated time.

(2)

(D) Pending hearing and final disposal of this Writ Petition, respondents be directed to not to take any coercive action on the basis of the impugned order 12 10.2021 and 15.03.2023 and also, be directed not to appoint or sent any other teacher on place of petitioner by respondent no.3.”

3. The Petitioner submits that Grade ‘B’ was necessary at the ‘Post Graduate’ level for the Petitioner to be eligible for approval. The Petitioner already has a permanent approval. He had secured 49.583%, which can be rounded off to 50%, thereby including him in ‘B’ Class. However, his name is not entered into Shalarth ID. Subsequently, the Petitioner has secured 61.7% after he applied for the improvement course.

4. In view of the above, this petition is disposed off. The communications dated 12/10/2021 and 15/03/2023, issued by Respondent No.3, stand quashed and set aside. Respondent No.3 shall reconsider the proposal of the Petitioner, dated 15/10/2022, in the light of the record indicating that the Petitioner has secured 61.7% marks. Appropriate order on inclusion of his name in the Shalarth Id, shall be passed within 30 days.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk