

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

WRIT PETITION NO.8023 OF 2023

Kavita Baliram Awate

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through its Secretary
School Education Department,
Mantralaya, Mumbai - 32.
2. The Deputy Director of
Education Aurangabad Division
District Aurangabad.
3. The Education Officer (Secondary),
Zilla Parishad, Nanded Dist. Nanded
4. The Superintendent Pay and Provident Fund
Unit (Secondary) Nanded Dist. Nanded
5. Shri Sant Nivrutti Maharaj Shikshan
Prasarak Mandal Gaul, Tq. Kandhar
Dist. Nanded
through its Secretary
6. Sant Nivrutti Maharaj Vidyalay
Bhavani Nagar, Kandhar, Tq. Kandhar
Dist. Nanded
through Head Master

... **RESPONDENTS**

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Advocate for petitioner : Mr. V.S. Panpatte

AGP for Respondent : Mr. S.K. Tambe

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 10.07.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned AGP.

2. The petitioner who has been serving as an Assistant Teacher in the respondent No.6 – School being run by the respondent No.5 – Management whose initial appointment has been duly approved by the respondent No.3 – Education Officer (Secondary) is aggrieved by the impugned order passed

by the respondent No.2 – Deputy Director of Education (D.D.E.) whereby the proposal for including her name in the Shalarth ID has been turned down on the ground that recruitment is after the Pavitra Portal had come into the effect.

3. Once the petitioner's initial appointment was duly approved by the Education Officer (Secondary), the question as to if the appointment was duly made by following requisite provisions of the law and the rules was dehors the inquiry which the respondent No.2 – D.D.E. should have indulged into. It was merely a matter of proposal for including the name so that I.D. can be allotted for disbursement of the salary. It appears that while passing the order the respondent No. 2 – D.D.E. has re-examined the initial approval when that is still in existence. Precisely for this reason this Court in the matter of **Amol Baban Sangar Vs. The State of Maharashtra and Ors.;** (Writ Petition No.8966/2021) by the order dated 21.02.2022 has passed some strictures on such conduct of D.D.E. in reconsidering the initial approval even when it is merely a matter of allotment of Shalarth ID.

4. Be that as it may, we allow the writ petition, quash and set aside the impugned order and relegate the matter back to the respondent No.2 for reconsideration. However the proposal shall not be turned down on the ground mentioned in the impugned communication/order. The decision shall be taken within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)