

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

904 WRIT PETITION NO.13189 OF 2022

ANAND BAPURAO WATANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Petitioners : Mr. Venjane Tukaram M.
AGP for Respondents/State : Mr. S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 11th January, 2023

PC. :-

1. The petitioner has put-forth prayer clause-B, C, D and E as under:

“B] This Hon’ble Court by issuing writ of certiorari or any other writ in the like nature, may kindly quash and set aside the communication dated 05.01.2022 issued by the Ld. Deputy Director of Education, Aurangabad.

C] This Hon’ble Court by issuing writ of mandamus or any other writ in the like nature, may kindly direct the Ld. Deputy Director of Education to include name of the petitioner in Shalarth Pranali ID, at the earliest preferably within a period of 15 days from passing order by this Hon’ble Court.

D] Pending hearing and final disposal of this Writ Petition, be pleased to stay the effect and operation of the communication dated 05.01.2022 issued by the Ld. Deputy Director of Education, Aurangabad.

E] Pending hearing and final disposal of this Writ Petition, be pleased to direct the Ld. Deputy Director of Education, Aurangabad to include name of petitioner in Shalarth Pranali ID.”

2. The contention of the petitioner is that his services are approved. However, his name has not been entered in the Shalarth Pranali ID only on the ground that he has not passed the TET. He has made a few attempts in the TET exam and could not clear the same. However, he still can attempt to pass the exam and he is preparing for his forthcoming TET examination. He further submits that two persons senior to him, namely Shri S.L. Kharat and Shri K.V. Kute, have been transferred. Their transfer are approved. Since the name of the petitioner has not been entered in the Shalarth Pranali ID, his salary has been stopped. He is working since 15.06.2015.

3. We have considered the strenuous submission of the learned AGP and have perused the impugned order. The Deputy Director (Education) does not dispute that the petitioner was appointed on 15.06.2015. He is however unable to confirm as to whether Shri Kharat has been transferred or not. The petitioner has made a categorical statement that not only Shri Kharat, but even Shri Kute, who is junior to Shri Kharat, have been transferred.

4. In view of the above, this petition is partly allowed. The impugned order dated 05.01.2022 refusing to include the name of the petitioner in the Shalarth Pranali ID is set aside. Since it is contentious that Shri Kharat and Shri Kute have been transferred, we direct respondent no.3 to verify from the records of the school in order to finally conclude as to whether Shri Kharat and

Shri Kute have been transferred. Thereafter, the said authority would also assess as to whether a Teacher can be denied registration in the Shalarth Pranali ID and as a consequence, render the teacher without salary. Let this exercise be completed on or before 31.03.2023. If an adverse order is passed, the said order shall be supported with reasons. If the petitioner is held entitled for salary, he would be paid the salary as per the scale applicable, in the absence of any legal impediment and would also be entitled for arrears.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]