



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10639 OF 2023

1. Kavita Arun Malape
Age:42 years, Occ: Service,
Residing at Isbavi,
Taluka-Pandharpur,
District-Solapur. ...Petitioner

Versus

1. The State of Maharashtra
(Through the Secretary
School Education Department,
Mantralay, Mumbai-23)
2. The Deputy Director of Education,
Pune Region, having office at
Dr. Babasaheb Ambedkar Road,
Camp, Pune.
3. The Education Officer (Secondary)
ZP Solapur, District. Solapur.
4. The President/Secretary,
Shriram Audambar Ravaji Patil
Shri Vitthal Sah. Sakhar Kharkhana
Gramin Vikas Endowment Pratisthan,
Venunagar, Taluka-Pandharpur,
District:Solapur.
5. The Headmaster,
Shri Vitthal Prashala (Tech. Basis)
Arts, Science Junior College,
Venunagar, Taluka-Pandharpur,
District: Solapur ...Respondents

Mr. Satish S. Raut for the Petitioner.
Mr. V. M. Mali, AGP for the Respondent/State.

**CORAM : SUNIL B. SHUKRE, AND
FIRDOSH P. POONIWALLA, J.J.**
DATE : 5th OCTOBER 2023

JUDGEMENT (Per Sunil B. Shukre J.):

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.
2. The Petitioner was appointed as a Junior Clerk by following due process of law and approval to his such appointment was also granted by the Education Officer w.e.f. 29th January 2019.
3. If, there is no review or recall of the said approval made by the Deputy Director Education by applying settled principles of law, it would mean that the approval granted to the appointment of the Petitioner as Junior Clerk continues to remain valid and therefore, for no reason whatsoever, the name of the Petitioner could be refused to be included in Shalarth I.D. System but which has been refused here. Therefore, we find that the impugned order is illegal and deserves to be quashed and set aside.
4. Petition is allowed. Impugned order is hereby quashed and set aside.
5. Respondent No.2 is directed to include name of the Petitioner in Shalarth I. D. System at the earliest and in any case within a period of four weeks from the date of the order.

6. We further direct the Respondents to pay arrears of salary to the Petitioner, if any.

7. Rule is made absolute in above terms. No costs.

8. Petition is disposed of accordingly.

(FIRDOSH P. POONIWALLA, J.)

(SUNIL B. SHUKRE, J.)