

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1960 OF 2023

Govinda Ramesh Patil

...Petitioner

Versus

State of Maharashtra And Ors.

...Respondents

Ms. Sanskruti Yagnik for the Petitioner.

Ms. S. S. Bhende, AGP for the Respondent (State).

CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.

DATE : 1st NOVEMBER, 2023.

PC.

. By this Petition under Article 226 of the Constitution of India,
the Petitioner has prayed for following substantial reliefs :

a) that this Hon'ble Court be pleased to issue a Writ of Mandamus or a writ, order or direction in the nature of Mandamus directing the Respondents to include the name of the Petitioner in the 'Online Shalartha Vetan Pranali';

b) that this Hon'ble Court be pleased to issue a Writ of Mandamus or a writ, order or direction in the nature of Mandamus directing the Respondents to release the salary of the Petitioner from the initial date of his appointment with all consequential benefits including arrears;

2. **BRIEF FACTS ARE AS UNDER :-**

The Petitioner was serving as a Peon with Respondent No.5.

He was appointed on a fully aided post and receiving salary from the grant/aid as provided by the State.

3. Pursuant to advertisement dated 24th May, 2011 issued by Respondent No.4 calling for application for the posts of Peon, the Petitioner applied for the said posts and was issued a letter of appointment on 20th June, 2011. Thereafter, Respondent No.4 forward a proposal in relation to the petitioner's appointment, for approval of Respondent No.3/Education Officer. The Education Officer approved the said proposal of the Petitioner as Shikshan Sevak Peon, however, while granting the same Respondent No.2 did not issue the "Shalarth" identification thereby resulting into his name not being included in "*Shalartha Vetan Pranali*" which is necessary for release of the salary to the employees.

4. The Petitioner by his various letters requested the Respondent Nos.2 and 3 for inclusion of his name in the "*Shalartha Vetan Pranali*" however, despite the same the Petitioner's name was not included. It is on this backdrop that the present Petition is filed for the above reliefs.

5. We have heard learned counsel for the Petitioner and learned counsel for the Respondent. With their assistance, we have perused the documents annexed to the Petition.

6. The Petitioner submits that on an identical issue, a Coordinate Bench of this Court in batch of petitions has decided the issue in favour of the Petitioners, wherein a direction was issued to the concerned

Education Authority for recording the name of the petitioner therein in the “*Shalartha Vetan Pranali*”, has being the decision of the Coordinate Bench in the case of *Sanjay Pandurang Powar vs. The State of Maharashtra & Anr. in Writ Petition No.11244 of 2019 dated 8th October, 2021*. It is prayed that similar orders can be passed as the petitioner is not differently notified. The Petitioner also relied upon the decision of the Coordinate Bench of this Court in the case of *Amol Baban Sangar vs. The State of Maharashtra and Ors. in Writ Petition No.8966 of 2021 dated 21st February, 2022* by which a similar relief was granted to the petitioner therein.

7. The Respondents have not disputed the applicability of the decisions relied upon by the Petitioner to the facts of the present case nor, we have been shown any decision taking a contrary view or reversing the said view as taken by the Coordinate Benches in the directions as referred herein-above.

8. Thus, in our view, there is no justification for the Respondents not to include the name of the Petitioner in the online “*Shalartha Vetan Pranali*”. There is also no justification given by the Respondents to do so, when the appointment of the Petitioner has been approved and there is no response to various reminders of the Petitioner for including his name.

9. We may note the orders passed by this Court in the case of Sanjay Pandurang Powar (*supra*) which reads thus:

“4. In our view, since the approval has already been granted to the appointment of the Petitioners to the posts on which they were appointed, the Dy. Director or the concerned Authority has to record the names of each Petitioner in the Shalarth ID within two weeks from today. The Respondent No.2 shall also release all the consequential benefits to the Petitioners including the payment of salary in favour of the Petitioners including grant in favour of the Management on such approval.”

10. In our view, the said decisions of the Coordinate Benches of this Court in the case of *Amol Baban Sagar (supra)* and *Sanjay Pandurang Powar (supra)* squarely apply to the facts of the present case. The Petitioner is thus entitled for his name to be included in the “*Online Shalartha Vetan Pranali*”.

11. We thus dispose of the present petition by the following order:-

ORDER

- (i) The Respondents are directed to include the name of the Petitioner in the “*Online Shalartha Vetan Pranali*” within a period of two weeks from the date of uploading the present order.
- (ii) The Respondents are further directed to release the salary of the Petitioner from the date of his appointment with all consequential benefits including arrears within a period of four weeks from the date of uploading the present order.

(iii) Writ Petition is disposed of in above terms. No order as to costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]