



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14724 OF 2022

Asha Lata Dattatray Mane]
Age: 36 years, Occu: Service, R/o. Flat No.301,]
Heaven Park, Panchshil Hill View, Lane No.6]
Mohammedwadi Road, Pune.] .. Petitioner.
v/s.
1 The State of Maharashtra]
Through its Secretary, School Education]
and Sports Department, Mantralaya,]
Mumbai 400 032.]
2 The Director of Education (Secondary)]
Pune.]
3 The Education Officer (Secondary)]
Zilla Parishad, Pune.]
3-A The Deputy Director of Education, Pune]
Division, Pune.]
4 Sardar Dastur Hoshang School]
Through its Secretary, Lieutenant]
Colonel Tarapur Road, Pune 411 001.].. Respondents.

Mr. S. S. Kazi with Mr. M. M. Chaudhari, for the Petitioner.
Ms. S. S. Bhende, AGP for Respondent Nos.1 to 3-State.

**CORAM: SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**
DATE : 4th SEPTEMBER, 2023.

ORAL JUDGMENT (Per SUNIL B. SHUKRE, J.):-

Leave to add Deputy Director as party-Respondent No.3-A, is granted. Cause title be amended forthwith.

2 Learned AGP waives notice on behalf of Respondent Nos. 1 to 3 and 3-A.

3 Heard. **Rule.** Rule made returnable forthwith and with the consent of the parties, heard finally at the admission stage.

4 In this case, approval was already granted to the appointment of the Petitioner by the Deputy Director of the Education (Secondary) , Pune which can be seen from the approval orders passed by the Education Officer (Secondary), Pune, which are annexed as Exhibit 'D' and 'E' (pages 32 and 33). If approval so granted to the appointment of the Petitioner as Shikshan Sevak is continued, the Deputy Director has no jurisdiction to refuse to enter the name of the Petitioner in Shalarth Pranali on such grounds, which are not permissible in law.

5 Of course, the order of the approval granted to the appointment of a Teacher or Shikshan Sevak can be reviewed but that can be done only in exceptional circumstances as held in the case of ***Amol Baban Sangar v/s. State of Maharashtra & Others*** reported in ***2022 SCC Online Bom 382***. Such exceptional circumstances do not exist in the present case. The impugned communication is, therefore, illegal and deserves to be quashed and set aside with further necessary directions issued to Deputy Director of Education.

6 Petition is allowed.

7 Impugned communication is hereby quashed and set aside.

8 Respondent Nos.1 & 2 are directed to enter the name of the Petitioner in the Shalarth Pranali for the purpose of payment of on line salary of the Petitioner with further directions to Respondent Nos.1 to 3 to release arrears of salary for the period for which the salary has not been paid to the Petitioner, within a period of two weeks from the date of this

order.

9 Rule is made absolute in the above terms. No order as to costs.

(FIRDOSH P. POONIWALLA ,J.)

(SUNIL B. SHUKRE,J.)