



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

**WRIT PETITION NO. 2624 OF 2022**

Nagesh Sambhaji Tupekar

Age : 33 years, Occu. Service,

Having official address as Sanjay Gandhi Secondary  
and Higher Secondary School, Kalambar,

Tq. Loha, Dist. Nanded.

...Petitioner

**Versus**

1. The State Of Maharashtra

Through Its Principal Secretary  
Sports and Education Department,  
Mantralaya, Mumbai-32.

2. The Divisional Deputy Director of Education,  
Division Latur, Gandhi Chowk,  
Dist. Latur.

3. The Education Officer (Secondary),  
Zilla Parishad, Nanded.

4. The Samaj Unnati Education Society,  
Kalambar, Tq. Loha, Dist. Nanded.  
Through its President,  
Having official address as Sanjay Gandhi Secondary  
and Higher Secondary School, Kalambar,  
Tq. Loha, Dist. Nanded.

5. The Head Master,  
Sanjay Gandhi Secondary  
and Higher Secondary School, Kalambar,  
Tq. Loha, Dist. Nanded.

...Respondents

...

Advocate for Petitioner : Mr. Gadhe Ganesh A

AGP for Respondents/State : Mr. S.P. Joshi

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

**DATE : 15 JULY 2024**

**PER COURT :**

. Heard.

2. The petitioner is aggrieved by the fact that by the impugned order, the Deputy Director of Education while considering the proposal for including petitioner's name in the Shalarth Pranali for disbursement of salary, pursuant to the approval granted by the Education Officer to his appointment on 13.11.2020 has not only refused permission but has also recalled the approval granted by the Education Officer.

3. The issue is no more *res integra*. In the matter of Amol Baban Sangar Vs. State of Maharashtra and Others in Writ Petition No.8966/2021 and the subsequent decision, this Court had expressly declared that the Deputy Director of Education cannot resort to any independent scrutiny and cancel the approval granted while considering the proposal merely for including the name in the Shalarth Pranali, albeit he may have such power independently under some regulations or Government Resolutions.

4. In spite of the Education Officer having granted approval way back in the year 2020, the petitioner cannot be rendered without any salary. The Deputy Director of Education could not have cancelled the approval. He cannot be permitted even to add the grounds by filing the affidavit-in-reply contrary to the observations of the Supreme

Court in the matter of Mohinder Singh Gill and Anr. Vs. The Chief Election Commissioner, New Delhi & Ors., AIR 1987 SC 851

5. The writ petition is allowed partly. The impugned order is quashed and set aside.

6. The respondent no.2/Deputy Director of Education shall pass a fresh order for including petitioner's name in the Shalarth ID in the light of above observations.

7. The decision shall be taken as expeditiously as possible and in any case within four weeks.

[ SHAILESH P. BRAHME, J.]

[ MANGESH S. PATIL, J.]