



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 2228 OF 2023

SAGAR ULHASRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SCHOOL EDUCATION
AND OTHERS

...

Mr. A. D. Pawar, Advocate for the Petitioner.

Mr. N. S. Tekale, AGP for Respondent Nos.1 to 3 – State.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : FEBRUARY 06, 2024.

ORDER :-

. Heard learned Advocate for the petitioner and learned AGP for respondent Nos.1 to 3.

2. The Proposal for inclusion of the petitioner's name in Shalarth Pranali has been rejected by respondent No.2 on the ground that appointment was not made through Pavitra Portal and certain objections were taken before him.

3. Learned Advocate for the petitioner submits that the appointment of the petitioner was made after adhering to the

procedure. He came to be appointed on 15.06.2016 and proposal for his appointment has been favourably decided by respondent No.3 on 20.09.2018. The appointments through Pavitra Portal came to be made compulsory vide Government Resolution dated 23.06.2017, however, the said portal was not in operation till 20.06.2019. In fact, the appointment of the petitioner is prior to the said Government Resolution. One Mr. Subhash Uttamrao Patil, Assistant Teacher, retired on 31.05.2016 and in his place, the petitioner came to be appointed. Therefore, the impugned order deserves to be set aside.

4. Learned AGP points out the order passed by respondent No.3, wherein it is said that though the petitioner came to be appointed in place of retired teacher Mr. Subhash Uttamrao Patil, yet during 2015-2016, one post of teacher came to be reduced and, therefore, the sanction was given to the appointment of the petitioner since 01.06.2018 as another teacher, namely, Mr. Murlidhar Hilal Chaudhari came to be retired on 31.05.2018 and therefore, the objection has been taken that since his appointment was not through Pavitra Portal, his name cannot be taken in Shalarth Pranali.

5. Learned Advocate for the petitioner is relying on the decision in **Lalit Suresh Shinde Vs. The State of Maharashtra and others**, [Writ Petition No.10270 of 2019 decided by this Court on 15.10.2019], wherein the reference was made in respect of Writ Petition No.12701

of 2018 under order dated 02.07.2019, wherein the learned AGP appearing for the State in that matter had made statement on instructions that Pavitra Portal became operative on 20.06.2019. The same was further reproduced in the order dated 08.03.2021 in Writ Petition No.2534 of 2020 and companion matter and, therefore, when the Pavitra Portal was not in operation, the said condition ought not to have been considered by respondent No.2.

6. When the said statement was made by learned AGP, on instructions, it is taken to bind respondent Nos.1 to 3 in the present petition also. The facts of this case would show that the petitioner came to be appointed in pursuant to the advertisement dated 04.06.2016 and, therefore, that ought to have been considered to see that his appointment was prior to the Government Resolution date 23.06.2017 and before the Pavitra Portal became operative. Further, respondent No.3 has granted him approval by order dated 20.09.2018, which is the date even prior to 20.06.2019. In the light of that the reasons given for rejecting the proposal by respondent No.2 does not appear to be proper.

7. Hence, the impugned order dated 30.06.2021 passed by respondent No.2 stands quashed and set aside, to the extent of petitioner only.

8. Respondent No.2 is directed to grant approval in favour of the petitioner as Shikshan Sevak working in respondent No.2 School and include him in Shalarth Pranali for payment of salary.

9. Accordingly, the writ petition stands disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm