



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

**WRIT PETITION NO. 3425 OF 2024**

**SUJIT GULABRAO RATHOD**

**VERSUS**

**THE STATE OF MAHARASHTRA  
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Panpatte V. S.  
Addl.GP for Respondents/State : Mr. P.S. Patil

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

**DATE : 23 SEPTEMBER 2024**

**ORDER** (Per Shailesh P. Brahme, J.) :

. Heard both the sides finally.

2. The petitioner is challenging the order dated 05.01.2022 passed by the Respondent No.2/Deputy Director of Education, rejecting the proposal seeking inclusion of his name in the Shalarth Pranli. He was appointed on 14.06.2017 as Shikshan Sevak in the respondent no.6/School. The appointment was approved by the respondent no.3/Education Officer on 31.03.2021. The proposal was submitted to the respondent no.2 for inclusion of his name in the Shalarth Pranali. There was recommendation of the respondent no.3 on 20.09.2021. By the impugned communication, the proposal of the petitioner was turned down by the Education Officer.

3. Learned Counsel for the petitioner seeks to rely on the judgment in the matter of **Amol Baban Sangar Vs. State of Maharashtra and Others**, Writ Petition No.8966/2021 as well as orders of the Supreme Court in the matter of **Priti & Ors. Vs. State of Maharashtra & Ors.**, Petition(s) for Special Leave to Appeal (C) No(s). 8300/2021, granting interim protection. It is submitted that the impugned order is without jurisdiction as the Deputy Director of Education considered the validity of the appointment of the petitioner. It is further contended that the issue in respect of qualification of TET is sub judice before the Supreme Court and on that count, the proposal cannot be rejected.

4. Learned AGP supports impugned judgment and order. He would submit that the Deputy Director of Education has rightly passed the order. The petitioner's appointment was not in accordance with law.

5. The petitioner's appointment was approved by the respondent no.3/Education Officer on 31.03.2021 on permanent basis. Thereafter on 20.09.2021, he was recommended for inclusion of his name in the Shalarth Pranali. Once the approval was granted, the Deputy Director of Education should not have doubted the appointment while considering the present proposal. In view of law laid down in the matter of Amol Baban Sangar (supra), the impugned order is without jurisdiction as it amounts to reviewing the

approval. So far as not acquiring TET qualification is concerned, the matter is already sub judice before the Supreme Court and there is order of status-quo granted on 05.07.2021. It would be inappropriate to turn down the proposal on that ground. The petitioner is ready to furnish an undertaking to forgo benefits. In that view of the matter, we pass following order :

**ORDER**

- (i) The writ petition is allowed.
- (ii) The impugned order is quashed and set aside.
- (iii) The respondent no.2 shall incorporate the petitioner in the Shalarth Pranali within a period of four weeks from today.
- (iv) The petitioner shall furnish an undertaking that he shall forgo the further benefits if the decision of the Supreme Court goes against him.

[ SHAILESH P. BRAHME, J.]

[ MANGESH S. PATIL, J.]

*Najeeb..*