



* correction has been carried out in view of speaking to the minutes order dated 13.06.2024

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

WRIT PETITION NO. 13150 OF 2022

SHAIKH JAWERIA KHADARSAB

VERSUS

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

...

Advocate for Petitioner : Mr. Panpatte V.S.

AGP for Respondent/State : Mr. K.N. Patil

Advocate for Respondent No.4 & 5 : Ms. S.N. Suryawanshi h/f
Mr. Suryawanshi Sanket N.

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

DATE : 10 JUNE 2024

PER COURT :

. Heard both the sides.

2. The petitioner is aggrieved by the order passed by the respondent/Education Officer (Secondary) dated 25.04.2022 refusing to grant approval to the petitioner's appointment on the ground that it was not in accordance with the computerized portal known as 'Pavitra Portal' in the light of Government Resolution dated 23.06.2017.

3. It is abundantly clear from the stand being taken in the affidavit-in-reply, not only in the present matter by the then Principal Secretary of the School and Education Department in his affidavit-in-reply filed in Writ Petition No.8310/2021, that though attempts were made to

undertake recruitment process through Pavitra Portal for the avowed object to make the process transparent and to avoid discrimination or malpractice, for some reason or the other, as quoted in that affidavit-in-reply, at no point of time the recruitment could culminate into actual appointments being given though the process was initiated through Pavitra Portal. It also mentions about such attempts having been made to undertake recruitment in the year 2023, that process is still to be concluded till the time the affidavit was filed on 06.03.2024.

4. We are pointing out the aforementioned state of affairs in juxtaposition to the various orders passed by this Court, whereby in view of the fact that in spite of Government Resolution dated 23.06.2017, at no point of time recruitment process was undertaken through Pavitra Portal and the directions were issued to consider the individual cases for grant of approval, ignoring the fact that the recruitment was undertaken de hors the Pavitra Portal.

5. Pertinently, it is also being pointed out that by a circular dated 07.07.2023, the Ministry of School Education had instructed all the Divisional Commissioners, Chief Officers and the Commissioner of Education, inter-alia pointing out that due to pendency of several writ petitions, the recruitment process could not be undertaken through Pavitra Portal in a timely manner resulting in there being shortage of eligible teachers to impart education. Permission was granted to make appointments on contractual and temporary basis on payment of some honorarium. This is clearly indicative of the fact that even the State has

been aware that the Pavitra Portal could not be put to desired use irrespective of the objective with which it was issued.

6. Additionally, the petitioner has annexed several approval orders granted to individual teachers who have been appointed after the Government Resolution dated 23.06.2017 was passed.

7. In the light of above, in our considered view it would be appropriate that the respondent/Education Officer (Secondary) is directed to consider the petitioner's case for grant of approval on its own merits, ignoring the fact that it was not in accordance with or through the process of Pavitra Portal in the light of Government Resolution dated 23.06.2017.

8. The Writ Petition is allowed partly. The impugned order is quashed and set aside.

9. The respondent/Education Officer (Secondary) shall consider the petitioner's proposal for grant of approval on its own merits, but shall not reject it on the ground that the appointment was not through Pavitra Portal. The decision shall be taken as expeditiously as possible and in any case within eight weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]