



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8137 OF 2024

Omprakash s/o Shankar Bodke

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education
Latur Division, Latur
3. Shri. Shivaji Mofat Education Society,
Kandhar Tq.: Kandhar, Dist.: Nanded
Through its President
4. Shri. Shivaji Secondary and Higher
Secondary High School,
Barul Tq. Kandhar Dist. Nanded
through its Head Master.

... RESPONDENTS

...
Advocate for the Petitioner : Mr. P.S. Panpatte
AGP for Respondent-State : Mr. D.R. Kale
...

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

DATE : 01.08.2024

PER COURT:

The petitioner is challenging the impugned order, whereby, the respondent – Divisional Deputy Director of Education has refused to grant approval to the petitioner's appointment only on the ground that the appointment was not made through the Pavitra Portal as per the

Government Resolution dated 23.06.2017.

2. Issue notice to the respondent Nos.1 and 2. Learned AGP waives service for respondent Nos.1 and 2.

3. The issue regarding such appointments being not through Pavitra Portal was addressed by us in several matters.

4. In **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and Ors.; W.P No.13150/2022** dated 10.06.2024 we had an occasion to consider the issue we had observed that Pavitra Portal has not been put to effective use as was desired by the Government Resolution dated 23.06.2017 which was issued pursuant to the directions in the PIL No.8/2015 dated 24.06.2015. Even the conduct of the State was commented upon in the order passed in **Shaikh Jaweria Khadarsab** (supra) to demonstrate that even it accepted the position that there is still limitation in undertaking the operation of that Pavitra Portal, compelling it to permit appointments to be made on temporary and contractual basis.

5. In the light of above, the impugned order refusing to grant approvals simply by quoting that it is not through Pavitra Portal is not sustainable. It would be imperative for the respondent - Divisional Deputy Director of Education to decide the proposal on its own merits independently.

6. The writ petition is allowed partly. The impugned order is quashed and set aside. The Divisional Deputy Director of Education shall

consider the selfsame proposal afresh on its own merits. However, it shall not be rejected on the ground mentioned in the impugned communication. The decision shall be taken, as expeditiously as possible and in any case within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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