



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

WRIT PETITION NO. 9511 OF 2023

Shridhar Mahadeo Dubale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vijay A. Dhakane, Advocate for the Petitioner.

Shri R. S. Wani, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 20 JULY, 2024.

FINAL ORDER :

. We have heard both the sides.

2. Petitioner is challenging the order passed by the respondent No. 2/Deputy Director of Education dated 09.03.2023 (Exhibit – I), whereby a proposal for including petitioner's name in the Shalarth Pranali has been turned down on the ground that the approval was granted erroneously by the then Education Officer over looking the roster, and by referring to the Government Resolution dated 10.06.2022.

3. The Government Resolution dated 10.06.2022 regarding which there is reference in the impugned order expressly lays down modalities and the procedure to be followed when the

proposals are received for including the names in the Shalarth Pranali. Clause No. 3 *inter lia* provides and contemplates that the Deputy Director of Education can undertake an analysis of the approval granted to an individual. However, he is supposed to initially pass an interim order, examine all the aspects, call upon and hear the Education Officer who had granted approval to the appointment, the individual employee and even the management, by issuing notices. It is only thereafter that he is supposed to pass a final order.

4. The impugned order clearly demonstrates that no such procedure as laid down in clause No. 3 of the G. R. dated 10.06.2022 was followed by the Deputy Director of Education before passing the impugned order. The order would be unsustainable in law.

5. We allow the writ petition partly. The impugned order dated 09.03.2023 passed by the respondent No. 2/Deputy Director of Education, Pune Division, Pune is quashed and set aside. Matter is remanded back to the respondent No. 2/Deputy Director of Education for taking a fresh decision on the self same proposal (Exhibit – H) and to pass a fresh order strictly following the guidelines in Clause 3 of the G. R. dated 10.06.2022, if he so intends. Needless to state that he will have to pass an ad-interim order, obviously, for inclusion of petitioner's name in the Shalarth Pranali for a temporary period and thereafter by issuing notices to the concerned Education Officer, petitioner and

the management and after extending an opportunity of being heard before passing final order. The exercise shall be completed as expeditiously as possible and in any case within a period of four (04) months from today.

6. It is clarified that we have not expressed anything about the legality of the G. R. dated 10.06.2022.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24