



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 9696 OF 2024

SANGITA BHAGWAT MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Tukaram Maruti Venjane
AGP for Respondents : Mrs. S.S. Joshi
...

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

DATE : 05 SEPTEMBER 2024

PER COURT :

The petitioners who are the teachers of Higher Secondary School are aggrieved by the order passed by the Divisional Deputy Director of Education, Latur, respondent no. 3, dated 21 May 2024, *inter alia*, keeping their proposals for including their names in the Shalarth Pranali by allotment of ID which is meant for disbursement of the salary, pending.

2. It is being pointed out that in fact this is the second round where the petitioners have to approach this Court. Already in Writ Petition No. 3854/2024, the petitioners were before this Court with a similar grievance. On 15 April 2024, this Court had directed the Divisional Deputy Director of Education who was respondent no. 3 therein as well, to decide the proposal in accordance with the rules and policies, on or before 31 May 2024.

3. The impugned order has been passed pursuant to the directions of this Court. Since the petitioners are the teachers of the Higher Secondary School, the decision to include their names in the Shalarth Pranali rests with respondent no. 2 who is the Secretary of Secondary and Higher Secondary Examination Board, Latur. The impugned order demonstrates that the respondent no. 3 – Deputy Director of Education had called upon the petitioners and even the Management and has noted some findings touching the mismanagement. Even doubt has been raised in respect of the approvals granted indeed, if these are the matters which are serious, *prima facie*, it would be appropriate for respondent no. 3 to resort to the powers exercisable by him independently. However, we have every reason to believe that he has dugged up everything merely because he was directed by this Court to take some decision and has done this with a prejudice mind.

4. This Court has been consistently laying down right from *Amol Baban Sangar Versus State of Maharashtra and others*, in Writ Petition No. 8966/2021, that when it is a matter of consideration of proposal for allotment of Shalarth ID, it is merely pertaining to disbursal of salary. Even if the officers of the Education Department have some reservations and objections touching the Management of the Schools and even as regards the approvals, it would be open for them to resort to appropriate proceedings. However when a proposal for allotment of Shalarth ID is forwarded, those are rejected even by going to the root of initial approvals. This is highly unbecoming of the public officers of the higher rank.

5. It is not that the impugned order mentions that either no classes are being conducted or that there are no students and the petitioners are not working as teachers. It is in this context, when we have been told that the power lies with the respondent no. 2 to take a decision in respect of the petitioners' proposals, being Higher Secondary School teachers, to include their names in the Shalarth ID, the respondent no. 3 seems to be taking pro-active role in creating hurdles.

6. We dispose of the petition directing the respondent no. 3 to simply forward the proposals of the petitioners to the respondent no. 2, as expeditiously as possible, and in any case within a period of one week.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]