



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9906 OF 2024

Sunita D/o Ramesh Dayma,
Aged : 45 years, Occu : Service,
As Assistant Teacher at Maharashtra
Secondary & Higher Secondary
(Science) School, Aurad-Shahajani,
Taluka Nilanga, District : Latur,
R/o Aurad-Shahajani, Taluka Nilanga,
District : Latur

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through the Secreatry to the
Government of Maharashtra in
School Education & Sports
Department, Mantralaya,
Fort, Mumbai – 32
- 2] The Deputy Director of Education,
Latur Division, Latur
- 3] The Education Officer (Secondary)
Zilla Parishad, Latur
- 4] Shardopasak Shikshan Sanstha,
Aurad-Shahajani,
Taluka Nilanga, District Latur
Through its President,
Basavraj S/o Vishwanathappa Valande,
Aged : 55 years, Occu : Agriculture,
R/o Aurad-Shahajani,
Taluka Nilanga, District – Latur
- 5] The Headmaster,
Maharashtra Secondary & Higher Secondary
(Science) School,
Aurad-Shahajani,
Taluka Nilanga, District – Latur

.. Respondents

...
Advocate for petitioner : Mr. Suhas R. Shirsat
AGP for the respondent – State : Mr. S.R. Yadav – Lonikar
Advocate for respondents no. 4 and 5 : Mr. I.D. Maniyar
...

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

DATE : 11 OCTOBER 2024

ORDER (MANGESH S. PATIL, J.) :

Heard both the slides finally at the stage of admission.

2. Petitioner is taking exception to the order of respondent no. 3 - Education Officer (Secondary) dated 08-08-2024 (**Annexure - I**) whereby he has refused to grant approval to her appointment by respondent no. 4 - management as Assistant Teacher on 18-09-2019.

3. The impugned order refuses to grant approval on two counts; (a) the shortcomings in the form of documents which ought to have been but were not accompanying the proposal forwarded by respondent no. 5 - headmaster and (b) that her appointment was not through Pavitra Portal in tune with the government resolution dated 23-06-2017.

4. Suffice for the purpose to observe that as far as the shortcomings in the proposal are concerned, it was for the management and the headmaster to comply with that. Obviously, the Education Officer ought to have informed the management and the headmaster about such shortcomings and could have extended them opportunity to comply with it. Rather, it appears that by the

communication dated 12-08-2024, the headmaster had made an attempt to remove such shortcomings by forwarding documents (**Annexure R-2**) which bears signature of the inward clerk of the office of respondent - education officer.

5. True it is that such compliance was made by the headmaster after the impugned order was passed. However, since it is not a matter of adjudication of any dispute and is merely an administrative action, though the proposal was not accompanying the documents that could not have been resorted to as a ground for rejecting the proposal. The Education Officer could have solicited such information from the management and the headmaster. There is nothing to demonstrate that he had done so.

6. As far as the second ground is concerned, this Court has on several occasions, demonstrated inability of the State government to operate the Pavitra Portal as envisaged by the government resolution dated 23-06-2017. Suffice for the purpose to refer to our judgment and order dated 10-06-2024 in writ petition no. 13150 of 2022 in the matter of **Sk Jaweria Khadarsab Vs. The State of Maharashtra and others in writ petition no. 13150 of 2022** and **Abhijit Ashokrao Chawale V. State of Maharashtra and others** (writ petition no. 7601 of 2022 – order dated 06-08-2024).

7. In the light of above, the writ petition is allowed partly.
8. The impugned order is quashed and set aside.
9. Respondent no. 3 - Education Officer (Secondary), Zilla Parishad, Latur shall take a fresh decision on the same proposal on its own merits and in the light of compliance purportedly made by the headmaster of forwarding the requisite documents to his office on 12-09-2024 (**Annexure - R-2**), however, the proposal shall not be rejected on the ground that petitioner's appointment was not through Pavitra Portal. The decision shall be taken as expeditiously as possible and in any case within five (5) weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/