



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 11311 / 2023

Smt. Manda d/o Natthu Shejul,
Age : 41 years, Occ. Service as Assistant
Teacher, Aadhar No.593876409819
R/o Bhagatsingh Nagar, Harsul,
Aurangabad.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education,
Aurangabad Division,, Aurangabad.
3. The Education Officer (Primary)
Zilla Parishad, Aurangabad.
4. The Superintendent Pay Unit (Primary),
Zilla Parishad, Aurangabad.
5. Shri. Janta Vikas Bahuudeshiya Shikshan
Prasarak Mandal, Aurangabad
Tq. and Dist. Aurangabad
Through it's President.
6. Vishwabhari Convent Primary School,
Harsool, Aurangabad,
Tq. and Dist. Aurangabad
Through it's Head Master.

...Respondents

Mr. V.S. Panpatte, Advocate for the Petitioner.

Mr. P.S. Patil, Addl.GP for Respondent No.1 & 2/State.

Mr. S.R. Dheple h/f Mr. P.R. Nangare,
Advocate for the Respondent No.3 & 4.

Mr. Kalyan V. Patil, Advocate for the Respondent No.5 & 6.

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

DATE : 01 AUGUST 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard the parties finally.

2. Petitioner is a teacher, who is challenging order dated 24.04.2023 passed by the respondent no.2/Deputy Director of Education, rejecting her proposal for inclusion of her name in the Shalarth Pranali. In view of **Ajay Balajirao Awale Vs. State of Maharashtra and Others**, in Writ Petition No.9697/2021, learned advocate for the petitioner prays to allow this petition.

3. The petitioner was appointed on 01.02.2019 as an Assistant Teacher in the respondent no.6/Primary School. Her appointment was approved on non-grant basis by Education Officer vide order

dated 02.11.2020. The proposal to include her name in the Shalarth Pranali was forwarded on 04.11.2022 to the respondent no.2 by the recommendation of the Education Officer. It was rejected vide impugned order only on the ground that the appointment was not in accordance with the Government Resolution dated 20.06.2018.

4. Learned AGP opposes the submission of the petitioner. It is submitted that the appointment of the petitioner was not through Pavitra Portal. The Government Resolutions dated 23.06.2017; 26.06.2018 and 07.02.2019 are issued, adopting the procedure for recruitment through the Pavitra Portal. It is imperative to follow the procedure.

5. The issue involved in this petition is no more res integra. The case is squarely covered by the judgment in the matter of Amol Baban Sangar Vs. the State of Maharashtra and Others in Writ Petition No.8966/2021 as well as in the matter of Shaikh Jaweria Khadarsab Vs. the State of Maharashtra and Others in Writ Petition No.13150/2022. The same view, we have been consistently following in number of matters. The appointment of the petitioner was approved. It was not permissible to the respondent/Deputy Director of Education to assume the powers of review.

6. Learned Counsel for the petitioner has rightly relied on our order passed in the matter of Ajay Balajirao Awale (supra), wherein we have followed earlier decisions holding the field. We, therefore, pass following order :

ORDER

- i. Impugned order/communication dated 24.04.2023 passed by the respondent No.2/Deputy Director of Education, Aurangabad is quashed and order of approval issued by the respondent No.3/Education Officer shall stand restored. The respondent Nos. 1 to 3 shall include name of the petitioner in Shalarth Pranali and disburse salary as permissible in law.
- ii. Writ Petition is disposed of.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE