



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

955 WRIT PETITION NO. 10544 OF 2022

ASHOK BAJIRAO CHEMATE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Dighe Vithal H.

AGP for Respondent nos. 1 to 3 : Mr. K.S. Patil

Advocate for Respondent no. 4 : Mr. S.S. Wagh

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

DATE : 13.06.2024

PER COURT :

Heard.

2. The petitioner is before us being aggrieved by the fact that in spite of grant of approval to his appointment by respondent no. 3-Education Officer (Secondary), respondent no. 2-Deputy Director of Education by the impugned communication has refused the proposal for including his name in the online portal for disbursement of salary (*'Shalarth Pranali'*).

3. Though in the affidavit in reply filed on behalf of respondent no. 2-Deputy Director of Education, several things have been alleged including the conduct of the Education officer, against whom, some enquiry has also been initiated, the fact remains that till date the order granting approval has not been set aside/revised much less by undertaking any process. It is only in a lopsided manner, by the impugned communication, the proposal has been turned down by making an observation that for some time the post against which the petitioner was appointed was a part time. The rest of the grounds being agitated in the affidavit in reply do not form part of the impugned

communication.

4. This Court in the matter of ***Amol Baban Sangar Vs. The State of Maharashtra and others in Writ Petition No. 8966/2021*** referring to the earlier decision in the matter of ***Pramod Prabhakar Pokale Vs. State of Maharashtra; 2019(3) Bom.C.R. 273*** had emphatically held that once the approval was granted, if it was a proposal merely for including the name in the *Shalarth Pranali*, no exercise could be undertaken going to the root of the approval granted.

5. Following the course, in matter of ***Vinayak Dhondiba Dudhate Vs. The State of Maharashtra and others in Writ Petition No. 7292/2023*** we had also clarified that if at all the Deputy Director of Education is entitled and authorized to undertake rescrutiny of the approval in the light of the circulator dated 29.03.2019 that would be an independent exercise but no such exercise is permissible when the proposal is received by him merely seeking permission to include the name of an employee in the *Shalarth Pranali* once the approval was granted by the Education Officer.

6. In the light of above, we allow the writ petition partly and set aside the impugned communication.

7. Respondent no. 2-Deputy Director of Education shall pass appropriate order for including petitioner's name in the *Shalarth Pranali* as expeditiously as possible and in any case within four weeks.

( SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-