



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10423 OF 2024

- 1) Sangita D/o Bhujangrao Shete
 - 2) Quadri Tehmina Anjum Sayed Ashraf
 - 3) Krushna s/o Uttamrao Kachave
 - 4) Kishan s/o Uttamrao Deshmane
 - 5) Pallavi d/o Eknath Patil
 - 6) Radhika d/o Manoharrao Joshi
 - 7) Pankaj s/o Ratnakar Adsire
 - 8) Siddhata d/o Balwantrao Khalikar
- ... Petitioners

VERSUS

- 1) The State of Maharashtra
and others
- ... Respondents

...

Advocate for Petitioners : Mr. T.M. Venjane
A.G.P. for Respondent nos. 1 to 5 : Ms. S.S. Joshi

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WRIT PETITION NO. 10430 OF 2024

- 1) Balasaheb s/o Dattarao Garad
 - 2) Ashwini d/o Sudhakarrao Gaikwad
 - 3) Sadanand s/o Panditrao Patki
 - 4) Pravin s/o Baburao Waghmare
 - 5) Sandip s/o Prabhakar Dabhade
 - 6) Amol s/o Sanjayrao Jadhav
 - 7) Nitish s/o Kishanrao Tate
- ... Petitioners

VERSUS

- 1) The State of Maharashtra
and others
- ... Respondents

...

Advocate for Petitioners : Mr. T.M. Venjane
A.G.P. for Respondent nos. 1 to 5 : Ms. S.S. Joshi

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

DATE : 08.10.2024

ORDER : (MANGESH S. PATIL J.)

Though the petitions are different, several employees serving with the same school are challenging similar orders passed by the respondent-Deputy Inspector of Education from the office of the Deputy Director, Aurangabad Region, Aurangabad, dated 07.12.2022, thereby rejecting the proposals for including petitioners names in the *Shalarth I.D.*, meant for seamless disbursal of salaries.

2. We have heard both the matters simultaneously and finally with the consensus of both the sides.

3. The learned A.G.Ps., tender across the bar affidavits in reply in the respective petitions. Those are taken on record.

4. The impugned orders have been passed refusing to direct inclusion of petitioners name in the Shalarth I.D. only on two counts;

(1) Approved staffing pattern for the years 2012-2013 to 2020-2021 were not furnished.

(2) The proposal forwarded by the Education Officer (Secondary) was not self clarificatory.

5. We are taken aghast by the stand being adopted while passing the impugned orders/communications. It clearly demonstrate the mindset of the public authority, who is conferred with some powers for overseeing disbursement of salaries from the government grants. The impugned orders *ex facie* demonstrate that the whole approach of the authority is arbitrary and capricious, rather aimed at creation of some obstacle.

6. If it was merely a case of grant of Shalarth I.D. to these petitioners-teachers, in an autocratic manner the impugned orders have been passed. If at all there were some shortcomings or the authority had some queries to be raised, it was imperative for him to have indicated that shortcomings to the

management and the Education Officer concerned. Simply pointing out how the proposals were deficient, the proposals have been turned down. It would have been appropriate and pragmatic for the Deputy Inspector of Education-respondent no. 4 to have first solicited such compliances/removal of deficiencies by indulging in correspondence with the management and the Education Officer. There was no hurry for him to take some decision either way immediately. Instead of rejection he should have solicited compliance and could have waited till it was made.

7. Be that as it may, the impugned orders are being clearly arbitrary and illegal deserve to be quashed and set aside.

8. The writ petitions are allowed partly.

9. The impugned communications/orders dated 07.12.2022 are quashed and set aside. Respondent nos. 3 and 4 shall immediately process the self-same proposals again by soliciting compliance from the management and the Education Officer concerned.

10. Respondent no. 5-Education Officer (Secondary) shall take necessary steps in light of the aforementioned two grounds, if necessary, by soliciting information from the management within four weeks and communicate it to respondent nos. 3 and 4, who shall thereafter take fresh decision in light of the above observations within four weeks of receipt of compliance by the Education Officer.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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