

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14649 OF 2024

Mr. Vijay Dattatraya Pandit & Ors. ... Petitioners.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Ajay Joshi, for the Petitioners.

Ms. Sulbha Chipade, AGP for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 28th NOVEMBER, 2024

P.C. :

1. On 21st October, 2024, we had passed following order :

“1. The learned Advocate for the Petitioners relies upon the Judgment delivered by this Court on 20th March, 2024, in Writ Petition No. 6613 of 2023 (**Mr. Ganesh Sidhant Khilare V/s. The State of Maharashtra & Ors.**) and in Writ Petition No.6897 of 2021 (**Ashwini Yogesh Shete V/s. State of Maharashtra & Ors.**), delivered on 20th October, 2021.

2. Issue notice to the Respondents, returnable on 27th November, 2024. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 2.

3. Considering the issue involved, which is no longer res integra, list this Petition in the disposal category.

4. *In addition to the Court notice, leave to the Petitioner to serve the unserved Respondent No.3 through Advocate's notice, by Registered Post A/D and file a service affidavit."*

2. The learned AGP submits that the department has not filed an affidavit in reply. She is instructed to say that there are some deficiencies in the appointment procedure adopted, while appointing the Petitioner No. 1, as in 2018. It is not disputed that the appointment of Petitioner No. 1 has been granted approval by the Education Officer, vide order dated 19th August, 2019. The Management has started receiving 20% grant-in-aid with effect from 15th February, 2021.

3. In view of the above and considering the conclusions drawn by this Court in ***Mr. Ganesh Sidhant Khilare V/s. The State of Maharashtra & Ors.***(Supra) and ***Ashwini Yogesh Shete V/s. State of Maharashtra & Ors.***(Supra), **this Writ Petition is partly allowed.** The impugned order is quashed and set aside. The Deputy Director Education Respondent No. 2, is directed to enter the name of Petitioner No. 1 in the Shalarth I.D. within a period of 30 days from today. Needless to state, the salary payable to the Petitioner to the extent of the grants extended by the Government, will be borne from the grants and the remainder salary would be payable by the employer from its coffers.

4. It be noted that, we have dealt with the matter only to the extent of grant of Shalarth I.D. keeping in view that the Petitioner's approval is intact.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

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