

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9358 OF 2022

Maroti S/o Shankar Lavate

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Shrirang Katneshwarkar for the Petitioner.

Mr. K.S. Thorat 'B' Panel Advocate for Respondent Nos. 1 to 4/State.

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**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 6 AUGUST 2024

P.C. :

. Heard learned counsel for the parties.

2. The Petitioner has challenged the order dated 22 April 2021 whereby the approval granted to the Petitioner's appointment on 3 January 2020 was disapproved while refusing to enter the name of the Petitioner in Shalarth software.

3. The Petitioner has relied on the decision in the case of *Amol Baban Sangar v/s. State of Maharashtra*¹ taking a view on cancellation at the stage of entering the name in Shalarth ID

¹ 2022 SCC OnLine Bom 382

software. The Division Bench has laid down that at the stage of entering the name in Shalarth ID software, which is only a database, review of approval already granted cannot be taken. The Deputy Director does have power to review and cancel the approval granted. However review is possible under a different Government Resolution/Circular, which is also on the limited ground of fraud, misrepresentation and collusion. No such facts are discernible from the impugned order. Therefore, on 1 April 2024, the petition was adjourned for the learned AGP to file reply, observing thus.

“ The Petitioner has relied upon the decision of the Division Bench of this Court in the case of Amol Baban Sangar V The State of Maharashtra. No reply affidavit is filed by the Respondents. We put the Respondents on notice that if no satisfactory response is received from the Respondents, the Court may consider disposing of the petition in light of the aforesaid decision. Stand over to 8 April 2024”

4. Thereafter, on 6 May 2024, since no reply was filed, following order came to be passed.

“On 1 April 2024, the following order came to be passed :

"The Petitioner has relied upon the decision of the Division Bench of this Court in the case of Amol Baban Sangar V The State of Maharashtra. No reply affidavit is filed by the Respondents. We put the Respondents on notice that if no satisfactory response is received from the Respondents, the Court may consider disposing of

*the petition in light of the aforesaid decision.
Stand over to 8 April 2024"*

For more than a month, no reply is filed.

2. By way of indulgence, we grant further time to file reply. Stand over to 8 July 2024."

3. The Petitioner has been granted approval from unaided to aided post by order dated 3 January 2020. The Respondent -State shall enter the name of the Petitioner in the Shalarth Pranali within a period of two weeks from today and commence admissible grant in respect of the Petitioner's appointment from 1 May 2024. Both, the commencement of grant and entering the name of the Petitioner in Shalarth Pranali shall be subject to the outcome of this petition and subject to adjustment etc. from the grant admissible to the Respondent-Management."

5. Till date, no reply is filed in light of the earlier orders passed. In a recent case of *Ganesh Sidhanath Khilare v/s. State of Maharashtra* and Ors², we have considered various Judgments of this Court arising in similar set of circumstances, including the above judgment relied upon by the Petitioners and has followed the consistent view that there is no power of review with the Education Authority to review approval at the time of entering the name in the Shalarth ID software. We have also time and again clarified the exception, that power of review can be exercised only in cases where factors such as fraud, misrepresentation or suppression are involved.

2 2024 SCC OnLine Bom 960

6. In light thereof, the interim order passed on 6 May 2024 directing the Respondent/State to enter the name of the Petitioner in Shalarth ID system and commence admissible grant is confirmed.

7. Writ Petition is accordingly disposed of in the above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)