

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

**WRIT PETITION NO. 11515 OF 2022
WITH
INTERIM APPLICATION NO. 30553 OF 2022
IN
WRIT PETITION NO. 11515 OF 2022**

Sagar Mahadev Deshmukh ... Petitioner
versus
The Deputy Director of Education,
Pune Region, Pune and Others ... Respondents

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Mr.S.G.Kudle for the Petitioner.
Ms.Ashwini A. Purav, AGP for the Respondent -State.
Mr.Ashish Gatagat for Respondent Nos. 4 to 6.

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

DATE : 23 April 2024

P.C. :

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the order dated 30 June 2022 passed by Respondent No.1-the Deputy Director of Education, Pune in respect of communication dated 3 June 2022 issued by the Education Officer (Secondary), Zilla Parishad, Solapur which copies are addressed to the Petitioner and the Respondent -Management. This communication refers to entering the name of the Petitioner in

Shalarth ID. The order dated 30 June 2022 states that the power of giving Shalarth ID prior to 2017 was vested with the Office of Pay Unit and now there is no policy of the State regarding appointment of peon.

3. The learned Counsel for the Petitioner has relied upon the order dated 19 October 2013 which grants approval to the Petitioner's appointment for a period of three years from 15 January 2012. According to the Petitioner, having once granted appointment for three years, then it was the responsibility of the Respondent - Management to forward the papers for further period, which was also not done. The Petitioner has also relied upon the order passed by the Division Bench of this Court in the case of *Shri Pradip Chandrakant Patil & anr. v/s. The State of Maharashtra & Ors.*¹ wherein the Division Bench in identical circumstances had directed the Education Officer to enter the name of the petitioners therein in Shalarth ID. The learned Counsel for the Respondent -Management sought to contend that letter of approval dated 19 October 2013 is a fraudulent document and this was never communicated to the Petitioner. However, this document refers to the proposal of the Management of 25 September 2013.

4. Therefore, what emerges before us is the question regarding the official document placed on record by the Petitioner. If there is an approval of 19 October 2013, as stated, then for continuation it

¹ Writ Petition No. 1754 of 2020 dated 7 March 2022

was incumbent on the Respondent -Management to submit further proposal. If there is no such document or it was never communicated to the Respondent -Management, then different aspect will arise. None of these aspects have been considered in the impugned order. Therefore, the Deputy Director of Education will have to examine the authenticity and correctness of the order dated 19 October 2013 and thereafter, further course of action for entering the name of the Petitioner in Shalarth ID will have to be taken. For this exercise, we restore the proceedings to the file of Deputy Director of Education who will take necessary decision after giving an opportunity to the parties within a period of eight weeks from today, subject to earlier time bound commitments and pressing public duties.

5. Writ petition is disposed of in above terms.

6. As regards the interim application is concerned, the Petitioner had made a grievance regarding non-allowing the Petitioner to join. This can be a case of otherwise termination falling under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 for which different remedies are available. The interim application stands disposed of.

7. We make it clear that we have kept all contentions of the parties open.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)