

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

WRIT PETITION NO. 1 7458 OF 2024

Sayem Haroon Sayyed & Anr. ... Petitioners.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak Kumbar, Mr. Rajendra Khaire i/b. Ashwini N. Bandiwade, for the Petitioners.

Ms. N.M. Mehra, AGP for Respondent/State.

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

DATE : 6th DECEMBER, 2024

P.C. :

1. This is yet one more case wherein the Deputy Director of Education, Pune Division, Pune (Shri Rajendra Ahire), has rejected the proposal for grant of Shalarth I.D. to the Petitioner No. 1, who already has an approval for his appointment, on the spurious plea that the Education Officer is not tendering the original file pertaining to the Petitioner No. 1, to the office of Respondent No. 2. This internal issue between Respondent Nos. 2 and 3, has caused grave prejudice to the Petitioner No. 1 as Shalarth I.D. is not allotted and he is not able to draw his salary.

2. The learned AGP for the Respondent-State places on record a communication dated 5th December, 2024 received by her. The same is marked as 'X' for identification. Having gone through the contents of the same, we need to record that it is unexpected from the Deputy Director of Education to take such a ground as is set out in 'X' and the said explanation cannot be accepted.

3. The impugned order is not only unsustainable, but is unconscionable. Respondent No. 2 should have initiated action against Respondent No. 3, for disobedience and insubordination, if he is not tendering the original file which is necessary for allotment of the Shalarth I.D. Instead of doing so, Respondent No. 2 has passed an order which causes serious prejudice and manifest inconvenience to the Petitioner No. 1.

4. In view of the above, **this Writ Petition is partly allowed.** The Impugned order dated 9th October, 2023 stands quashed and set aside. We direct Respondent No. 3 to tender the original file of the Petitioner No. 1, within 15 days, to Respondent No. 2. Upon receiving the file, Respondent No. 2 shall cause his scrutiny in the matter and if Petitioner No. 1 is found eligible, a Shalarth I.D. shall be granted within

15 days.

5. We place the responsibility on Respondent No. 2 to ensure that the regular pay of Petitioner No. 1 commences from the pay day in January, 2025. The arrears of salary of the Petitioner No. 1 from 27th July 2022 would be calculated by the Authorities and the same shall be paid to the Petitioner No. 1, within 90 days from today.

6. We are imposing a nominal cost on Respondent Nos. 2 and 3, who shall deposit Rs. 2500/- each, in this Court and by the consent of Petitioner No. 1, the said amount shall be donated to the Kirtikar Law Library.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

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SANDEEP
TALWALKAR

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