

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15717 OF 2023

Punam Kisan Shinde

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, Education Department, Mantralaya,
Mumbai And Ors.

...Respondents

WITH

WRIT PETITION NO. 15916 OF 2023

Nitin Gulab Kale

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, Education Department, Mantralaya,
Mumbai And Ors.

...Respondents

WITH

WRIT PETITION NO. 15915 OF 2023

Nitish Naghnath Shete

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, Education Department, Mantralaya,
Mumbai And Ors.

...Respondents

WITH

WRIT PETITION NO. 15917 OF 2023

Shobha Sargero Markad

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, Education Department, Mantralaya,
Mumbai And Ors.

...Respondents

.....

Mr. Satish S. Raut, for Petitioners in all Writ Petitions.

Mr. S. B. Kalel, AGP for Respondent/State.

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

DATE : 24 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Issue involved in these petitions is common being approval to inclusion of Petitioners' names in Shalarth ID. Necessary petition wise details for disposal of these matters are as under.

Writ Petition No.	Petitioner's Name	Educational Institute and Management	Date of Impugned Order.
15717/2023	Punam Kisan Shinde	Respondent Nos. 5 & 6	22 November 2023
15916/2023	Nitin Gulab Kale	Respondent Nos. 4 & 5	22 November 2023
15915/2023	Nitish Nagnath Shete	Respondent Nos. 4 & 5	15 December 2023
15917/2023	Shobha Sarjerao Markad	Respondent Nos. 4 & 5	15 December 2023

3. Petitioners / Employees, working as assistant teachers with respective Respondent Schools, are challenging the respective impugned Orders passed by Respondent Deputy Director of Education, Pune Division, Pune, by which proposals for entering their names in Shalarth ID system are refused. Learned counsel for the Petitioners states on instructions that the respective Respondent Schools and Managements are supporting the cause of the Petitioners

till today. We proceed on the basis of said statement.

4. It is submitted that the impugned Orders are passed without informing proposed grounds of rejection. It is submitted that had an opportunity been given, the Petitioners and/or their respective Respondent Managements would have certainly given appropriate and necessary explanation to reasons of rejection.

5. The Respondent Deputy Director of Education has refused inclusion of Petitioners' names in Shalarth ID system on multiple grounds, without informing the same in advance. There are no grounds of fraud or misrepresentation or suppression of material facts. Inquiry about the grounds for such decision, is required to be done first time in this Court.

6. In that view of the matter, we dispose of these petitions by directing that the impugned orders dated 15 December, 2023 & 22 November, 2023 will be treated as notices to the respective Respondent / Educational Institutes of the proposed grounds of rejection. The Petitioners' proposals stand restored. If there are any other grounds on which the Respondent Deputy Director of Education intends to reject the proposals, he is directed to communicate the same to the respective Respondent / Educational Institutes within a period of 3 weeks from today.

7. The Respondent Educational Institutes shall thereafter submit

their explanation along with supporting material including government resolutions, case laws / orders of this Court etc. as may be relied upon. Thereafter within a period of 8 weeks, subject to other time bound directions, the Respondent Deputy Director of Education is directed to decide the Petitioners' proposals, by dealing with the explanation given by the Educational Institutes as also dealing with case law/orders of this Court, by passing reasoned orders.

8. The Petitioners' proposals shall be decided on their own merits in accordance with law. Needless to mention that if the Respondent Deputy Director of Education decides to grant proposals as prayed, consequent grant of Shalarth ID will follow and in that case, the aforesaid procedure/directions will not apply.

9. The writ petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)