

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

WRIT PETITION NO. 6337 OF 2022

Shrikant Prakash Kadam

....Petitioner

V/S

State Of Maharashtra & Ors

...Respondents

Mr. A. S. Kalekar for the Petitioner

Mr. V. M. Mali, AGP for the Respondent-State.

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

DATED : 12 MARCH, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioner has challenged the order passed by the Deputy Director of Education dated 28 January 2022 declining to enter the name of the Petitioner, Shikshan Sevak on the Shalarth Vetan Pranali portal. Learned Counsel for the Petitioner submitted that the Petitioner was duly appointed by the Respondent No. 5—Institution to work in the Respondent No. 6—School as Shikshan Sevak and approval was granted to his appointment by the Respondent-Education Officer on 11 December 2020.

3. Learned Counsel submitted that once approval was duly granted by the Education Officer, the Deputy Director of Education did not have the power of review, to decline to accept the order granting approval, which is the effect of the impugned order.

4. Learned Counsel for the Petitioner has relied upon the decision of this Court in *Amol Baban Sangar vs The State of Maharashtra & Ors*¹. This Court in above decision has held that the Deputy Director of Education does not have power of review in all circumstances while considering the entry into Shalarth Portal but the Deputy Director can review the order of approval in limited instances such as fraud, misrepresentation, collusion, including collusion by the Education Authority. The impugned order does not refer to any of these grounds. Even if these grounds existed, the Petitioner had to be put to notice of such grounds.

5. In light thereof the impugned order dated 28 January 2022 cannot be sustained. It is quashed and set aside.

6. In case the Deputy Director of Education is inclined to invoke power of limited review in the above circumstances, it is open to the Deputy Director to issue notice specifying the grounds as to why there is fraud, collusion or misrepresentation. If no such notice is issued within a

1 2022(2) Bom.C.R.484

period of 4 weeks, it will be presumed that no such grounds exist. The Deputy Director of Education will then enter the name of the Petitioner in Shalarth Vetan Pranali Portal.

7. The Writ Petition is disposed of in above terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)