

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

WRIT PETITION NO. 5623 OF 2024

Radhika Siddhu Yamkar

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Chetan G. Patil with Mr. Mandar G. Bagkar for the Petitioner
Mr. K.S. Thorat, 'B' Panel Counsel for the Respondent - State

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

DATE : 29 APRIL 2024

P.C. :-

The Petitioner has challenged the order passed by the Respondent No.2 – the Deputy Director of Education, Kolhapur dated 20 October 2023 refusing to enter the name of the Petitioner in the Shalarth Pranali and refusing to issue Shalarth ID to the Petitioner.

2. Shalarth ID portal is for the purpose of streamlining the payment of salary grant. Shalarth ID is a software process by which the amount of salary grant is paid in respect of those teachers whose appointment is approved by the Education Authority. The Deputy Director has refused to enter the name of the Petitioner in the

Shalarth portal questioning the approval granted to the Petitioner on 7 August 2013, on merits. Whether the Deputy Director can take such a stand questioning the approval and refusing to enter the name in the Shalarth software has come up for consideration before the Court on various occasions. In Writ Petition No. 8881 of 2021 in the case of *Abhijit Ashok Waje v/s. State of Maharashtra & Ors.* an interim order was passed questioning this approach on 21 January 2022. Thereafter, Writ Petition No. 8966 of 2021 in the case of *Amol Baban Sangar v/s. State of Maharashtra & Ors.*, was allowed holding that the Deputy Director would not have power unless there is fraud, misrepresentation and collusion, for which separate methodology is provided.

3. We had followed these Petitions in Writ Petition No. 4376 of 2024 in the case of *Sachin Mallappa Kamble v/s. State of Maharashtra and Ors.* dated 8 April 2024. Therefore, when the Petition came up on board on 18 April 2024, the following order was passed :-

“ Learned Counsel for the Petitioner states that the course of action adopted in the Writ Petition No. 4376 of 2024 by order dated 8 April 2024 should be adopted in the present Petition as well, as the facts and circumstances are identical.

2. Learned AGP seeks time to take instructions.

3. Stand over to 25 April 2024 under the caption “for directions”.

No reason is shown to us as to why this Court should take a contrary view.

4. In the impugned order there is no imputation regarding fraud, misrepresentation or collusion. Even otherwise, no notice is given to the Petitioner and the Respondent – Management including allegations of fraud, misrepresentation and collusion.

5. Accordingly, the Petition is disposed of by quashing and setting aside the order dated 20 October 2023 to the extent of the Petitioner, and the Respondent No.2 is directed to enter the name of the Petitioner in the Shalarth ID Portal and complete the necessary formalities.

6. We however make it clear that if there exist a case of fraud, misrepresentation and collusion, we have not divested the Deputy Director of the power to take necessary action as regards the review of the approval granted.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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