

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

WRIT PETITION NO.10997 OF 2024

Nitin Laxman Narayankar and Anr.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

Mr. Narendra V. Bandiwadekar a/w. Mr. Vinayak R. Kumbhar,
Mr. Rajendra B. Khaire, Mr. Aniket S. Phapale i/b. Ms. Ashwini N.
Bandiwadekar for the Petitioners.

Mr. V.M. Mali, AGP for Respondent Nos.1 to 3 – State.

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

DATE : 13th NOVEMBER, 2024

P.C. :-

1. **Issue notice to the Respondents**, returnable on
16th December, 2024. The learned AGP waives service of notice on
behalf of all the Respondents.

2. The Petitioner has been granted approval vide the order
passed by the then Education Officer [Secondary], Zilla Parishad,
Solapur on 29th January, 2014. Thereafter, his services have been
confirmed and he has migrated from the unaided establishment to
the aided establishment, after the school started receiving the salary
grants. On 15th May, 2020, the Shalarcha-ID was allocated to the
Petitioner and he started receiving the salary as per the approved

pay scale.

3. One, Prahar Shikshak Sanghatana, Solapur issued a letter dated 3rd October, 2022 to Mr. Audumbar Ukirde, Deputy Director of Education, Pune Division, Pune – 1, alleging that the Petitioner and one more teacher, had been granted approvals on the same day and entries are taken in the outward register. This Union prayed that these approvals should be cancelled.

4. Referring to the said letter, Respondent no. 2 issued a show cause notice dated 2nd November, 2022 to the Petitioner. The language used by Respondent No.2 in the show cause notice, *prima facie*, indicates that he has surrendered his jurisdiction to the dictates of the complainant Union and has initiated action against the Petitioner. In the meanwhile, the then Education Officer Mr. J. S. Shivsharan, addressed a letter dated 21st February, 2023 to Respondent No.2, indicating that he had followed the procedure, verified the records and then granted the approval to the present Petitioner. Yet, by the impugned order dated 12th April, 2023, the permanent approval granted to the Petitioner on 29th January, 2014 has been quashed by Respondent No.2.

5. In these circumstances, by way of interim relief, the impugned order shall stand stayed until the disposal of this Petition.

6. Let the Respondents file affidavits in reply, if desired, at least, one week prior to the returnable date.

7. Needless to say, the Petitioner's salary, for the duties performed by him, shall be paid through the Shalarnya-ID, in view of this interim order. All arrears of salaries shall be paid to the Petitioner within 45 days from today.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)