



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.
WRIT PETITION NO. 1380 of 2020

Shikshan Prasarak Mandal, Mul, through its
President, Advocate Babasaheb Wasade and others.**PETITIONERS**

VERSUS

State of Maharashtra, through its Secretary, Department
of Higher and Technical Education, Mantralaya,
Mumbai and others.**RESPONDENTS**

.....
Mr. B.G.Kulkarni, Advocate for petitioners.
Mr. D. P. Thakre, Additional Government Pleader for respondent nos. 1 to 3.
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CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE :- 4th SEPTEMBER, 2024

P. C.

Heard.

2. The petitioner nos. 4 and 5 were appointed by the petitioner no.1 in the petitioner nos. 2 and 3 schools. After the appointments were made, a request was made to the respondents-education authorities for grant of approval which prayer appears to have not been considered in view of anomaly created because of the new procedure which was directed to be adopted by the Government in the matter of recruitment and approval.

3. It appears that the issue viz. failure of the respondents to consider grant of approval to the appointment of the candidates like the petitioner nos. 4 and 5 fell for consideration in **Writ Petition No. 5245 of 2018** (*Shikshan Prasarak Mandal and others vs. Deputy Director of Education and anr.*) with connected writ petitions before the Division Bench of this Court. The Division Bench vide judgment and order dated 13.03.2023

allowed the said petitions and issued directions, which read as under:

“33. We therefore allow the petitions partly and issue the following directions :

(i) The Education Officer or the Deputy Director of Education, as the case may be, shall consider or reconsider, as the case may be, the proposals seeking approval to the appointments of the petitioners – teachers on merit and in accordance with law.

(ii) The proposals shall not be rejected on the ground that the appointments are not made through Pavitra Portal system, if the appointments are made on the strength of interim orders of the High Court or during the period when the Pavitra Portal was not functional.

(iii) The proposals submitted by the managements, who were parties to Writ Petition 4684/2017 and Writ Petition 5059/2017 and/or connected matters, either individually or as members of the petitioner – association, shall not be rejected on the ground that appointments were made without seeking the permission of the appropriate authority. However, the managements, who were not parties individually, will have to establish their membership of the petitioner – association.

(iv) The petitioners shall produce copy of this judgment before the appropriate authority which shall take appropriate decision after hearing all the stakeholders including the intervenors, who may wish to be heard, within eight weeks from the production of the copy of the judgment.

4. It is the contention of Mr. Kulkarni that the issue sought to be canvassed in this writ petition is squarely covered by the aforesaid judgment in the matter of *Shikshan Prasarak Mandal and others* (supra) and as such direction needs to be issued to the respondents – education authorities to deal with the prayer of the petitioner for grant of approval in view of the mandate provided in the order dated 13.03.2023.

5. Mr. Thakre, learned Additional Government Pleader on facts submits that the issue can be said to be covered by the aforesaid judgment i.e. *Shikshan Prasarak Mandal and others* (supra) and as such the Court may pass an appropriate order in the matter.

6. Having regard to the facts that the issue sought to be canvassed in this writ petition is identical to one which is decided on 13.03.2023 in Writ Petition No. 5245 of 2018 with connected writ petitions referred to above, we deem it appropriate to partly allow the petition.

7. We direct the respondents-education authorities to deal with the prayers made in this writ petition and decide the same pursuant to the directions issued in Writ Petition No. 5245 of 2018 with connected writ petitions, reproduced above. We direct the respondents to take a decision including that of release of arrears of salary expeditiously and in any case within a period of six weeks from the date of production of copy of this order and communicate the decision to the petitioner.

8. The writ petition is partly allowed in aforesaid terms. No order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.