



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 3146 OF 2025

ROSHANI RAJENDRA NAWALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...

Advocate for the Petitioner : Mr. Wakade Ramesh I.

AGP for Respondents: Mr. M.M. Nerlikar

...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 07.03.2025

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P.

2. The petitioner is aggrieved by the communication dated 27.09.2024, whereby respondent no. 3 Joint Director of Education has refused the proposal for inclusion of the petitioner's name for allotment of the *Shalarth I.D.* for disbursal of salary on the ground that she was appointed on 15.04.2019 and is under the Government resolution dated 20.06.2018.

3. Admittedly, the petitioner was appointed as mentioned herein above and was even granted approval by the order dated 25.06.2019.

4. Since it is clearly a matter of disbursal of salary, till the time the approval to the appointment is not recalled. She can legitimately work and earn the salary. When it is clearly a matter of disbursal of salary through online portal by allotment of I.D., in our considered view, it was not the occasion for respondent no. 3 to circuitously make comments about the earlier approval much less without seeking to recall or cancel. The situation leads to an anomalous condition wherein the petitioner has been legally

working and still would be prevented from earning the salary. Precisely for this reason, this Court has been consistently in similar sets of facts quashing and setting aside similar decisions, wherein the approval to the appointment is alive and still the Joint or the Deputy Directors of Education refused permission for allotment of *Shalarth I.D.* Suffice for the purpose to refer to the decisions in the following matters of :

- (1) Pramod Prabhakar Pophale Vs. State of Maharashtra; 2019(3) Bom.C.R. 273,
- (2) Amol Baban Salgar Vs. State of Maharashtra in Writ Petition No. 8966 of 2021 (Nagpur Bench)
- 3) Datta Vs. State of Maharashtra and others; 2022(4) A.I.R. Bom.R 131.

5. The writ petition is allowed.

6. The impugned communication is quashed and set aside. Respondent no. 3 is directed to pass a fresh order in respect of the petitioner for allotment of *Shalarth I.D.*, as expeditiously as possible, and in any case within five weeks.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-