



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3973 OF 2025

**MAMTA PRAFULL KHACHANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS**

....

Ms Patil Nayana Parag, Advocate for the Petitioner
Mr. M. M. Nerlikar, Addl. G.P. for Respondent – State
Ms Akshara Madke, Advocate for Respondent Nos. 4 and 5.

....

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 01.04.2025

PER COURT :-

. The motion is made for speaking to the minutes of the order dated 27.03.2025.

2. Though it is being pointed out that in paragraph No.3 the year of the appointment has been mentioned as 2021, the error erroneously occurred in paragraph No.5, it has appeared as 2019. It shall be corrected as 2021 and the fresh order be uploaded.

3. The motion is disposed of.

[Y. G. KHOBRAGADE, J.]

[MANGESH S. PATIL, J.]

SMS

(This order stands corrected in view of the order passed on 01.04.2025).

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Advocate for the Petitioner : Ms. Patil Nayana Parag
Addl. GP for Respondents/State : Mr. M.M. Nerlikar
Advocate for Resp. Nos.4 & 5 : Ms. Akshara Madke

.....

**CORAM : MANGESH S. PATIL &
Y.G. KHOBRAGADE, JJ.
DATE : 27.03.2025**

PC. :-

1. Issue notice. The learned A.G.P. waives service for respondent nos.1 to 3. Ms. Akshara Madke appears for respondent nos.4 and 5.
2. We have heard the learned advocate for the petitioner, the learned AGP as also the learned advocate for the respondent nos.4 & 5.
3. By the impugned order, the Education Officer has rejected the proposal forwarded by the Headmaster for grant of approval to the petitioner's appointment as a Shikshan Sevak on the ground that

necessary documents were not annexed and her appointment was of 11.11.2021, after the GR dated 23.06.2017, whereby the pavitra portal was brought into existence. It is also being pointed out that even there is factual error in the impugned order regarding the date of the petitioner's appointment.

4. As far as the shortfall in the documents, which ground the Education Officer has resorted to, the learned advocate for the respondent-management and the headmaster submits that necessary compliance would be made and shortcomings would be removed.

5. So far as the petitioner's appointment being of the year **2021** after the pavitra portal GR was issued, in several matters we have assigned different reasons not to subscribe to such stands being taken by the education officers for the simple reason that in spite of the GR having been passed on 23.06.2017, it was not actually put to effective use for variety of reasons. We have expressly disapproved such stands of the education officer. One such matter is **Shaikh Jaweria Khadarsab V/s. The State of Maharashtra Through its Secretary and Ors, Writ Petition No.13150 of 2022** decided on 10.06.2024.

6. In the light of the above, it would be expedient that the Education Officer is called upon to consider the proposal afresh by

directing the management and headmaster to remove the shortcomings and supply the documents which the Education Officer has expressly observed that those were not accompanying the proposals.

7. The writ petition is allowed partly. The impugned order is quashed and set aside. The respondent nos.4 and 5 shall forward a fresh proposal or may forward only the documents pursuant to the observations made in the impugned order within three weeks. On receipt of such compliance/proposal from the headmaster, the Respondent No.3-Education Officer shall re-consider the proposal for grant of approval to the Petitioner's appointment on its own merits but shall not refuse to consider it or reject it on the ground that the appointment was not through the pavitra portal. The decision shall be taken as expeditiously as possible within five weeks on receipt of compliance / proposal from the headmaster.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]