



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4113 OF 2022

Shrinivas Hansraj Kadam and Others

..PETITIONERS

VERSUS

State of Maharashtra and Others

..RESPONDENTS

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Mr. A.N. Nagargoje, Advocate h/f Mr. V.S. Panpatte, Advocate for petitioners
Mr. S.B. Pulkundwar, A.G.P. for respondent nos. 1 to 3
Mr. A.D. Chapule, Advocate h/f Mr. N.P. Patil Jamalpurkar, Advocate for
respondent nos. 4 and 5

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CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.

DATE : 26th MARCH, 2025

PER COURT :

1. Heard. The issue in this petition is no longer res integra. The Division Bench of this Court, vide order dated 21st February, 2022 passed in Writ Petition No. 8966 of 2021, has observed thus :-

“6. In number of judgments one of which is the judgment delivered in the case of Pramod Prabhakar Pokale Vs. State of Maharashtra, 2019(3) Bom.C.R. 273, this Court (Aurangabad Bench) while reiterating the law declared by other Division Bench of this Court in earlier judgments held that once an approval is granted by the Education Officer to the appointment of school employees, the Deputy Director, Education would have no jurisdiction to refuse to enter the name of school employees in the Shalarth system. This law squarely applies to the facts of the present case narrated above and, therefore, we are of the view that the impugned order being erroneous needs to be quashed and set aside.”

2. In the case in hand, the petitioners' appointment has been approved by the Education Officer. The Headmaster sent the proposal for inclusion of their names in the *Shalarth* system. Respondent No.2 - Deputy Director of Education, Latur, vide its order dated 20th September, 2021, sent the proposal back by pointing out some queries and loopholes.

3. Learned counsel for the petitioner would submit that Respondent No.2 – Deputy Director of Education, Latur, in exercise of its powers, can very well independently see whether approval to the appointment of the petitioners was valid or not.

4. In our view, Respondent No.2 - Deputy Director of Education, Latur may do so independently. In the result, we allow the writ petition in terms of prayer clause (B).

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT, J.)

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