



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 8169 OF 2025

BHIMDAS CHANDAR SONKAMBLE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. V. S. Panpatte, Advocate for the Petitioner

Mr. A. B. Girase, GP for the Respondents State

Mr. Ankush Nagargoje, Advocate for Respondent Nos. 4 and 5

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CORAM : MANISH PITALE &
Y. G. KHOBRADE, JJ.

DATE : 8th July, 2025

P. C. :

. Heard Mr. Panpatte, learned counsel for the petitioner. Learned Government Pleader appears on behalf of Respondent Nos. 1 to 3 and learned counsel Mr. Nagargoje appears for Respondent Nos. 4 and 5.

2. The petitioner is aggrieved by the impugned order dated 24.03.2025, whereby, approval to the appointment of the petitioner as Shikshan Sevak has been declined solely on the ground that the appointment was not through Pavitra Portal.

3. It is specifically asserted on behalf of the petitioner that the sole ground stated in the impugned order is unsustainable for the reason that, at the relevant time, the Pavitra Portal was not in operation.

4. This Court, in earlier matters, has taken judicial notice of the fact that Pavitra Portal was not in operation till June, 2024. Appointment of petitioner in the present case is dated 28.06.2023, thereby, demonstrating that there is substance in the contention raised on behalf of the petitioner.

5. An order passed by this Court on 10.06.2024 in Writ Petition No. 13150 of 2022 shows that in similar circumstances, this Court found that the sole ground for refusal of approval was unsustainable and thereby the said writ petition was partly allowed and the matter was remitted to the respondent Education Officer (Secondary), to consider the proposal of the petitioner therein on its own merit, except for rejecting the same on the ground that the appointment was not made through the Pavitra Portal.

6. We are inclined to grant similar relief but, the learned counsel for the petitioner herein submits that in some other petitions, of similarly situated persons, this court had gone ahead to grant relief without remitting the matter back to the Education Officer.

7. We have perused the said order and we are of the opinion that the said view was adopted by the Division Bench of this Court in the peculiar facts of the said case. We are of the opinion that if the matter is not remitted to the Education Officer (Secondary) and this Court takes it upon itself to consider the proposal on merit, the writ Court will be reduced to becoming an office of the Education Officer for

considering such proposals for approval to the posts of Shikshan Sevak. It is the duty of the respondent Education Officer (Secondary) to decide such proposals expeditiously and in accordance with law on own their respective merits.

8. Therefore, we are inclined to only partly allow the writ petition. Accordingly, the writ petition is partly allowed.

9. The impugned order dated 24.03.2025 is quashed and set aside. Respondent No.3 Education Officer (Secondary) is directed to again consider the proposal pertaining to the petitioner for approval on its own merit. It is made clear that the said respondent shall not reject the proposal only on the ground that the appointment of the petitioner was not made through the Pavitra Portal.

10. The said respondent shall proceed to decide the proposal expeditiously and in any case, within eight weeks from today.

11. It is made clear that this Court has not expressed any opinion upon the merits of the matter.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan