



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

980 WRIT PETITION NO. 5585 OF 2023

Niteesh Janardhan Nalwade

VERSUS

The State Of Maharashtra Thr Its Secretary And Others

...

Advocate for the Petitioner : Mr. Dr. Godbole R. J.

AGP for Respondents-State: Ms. R. P. Gour

Advocate for Respondent No.4 : Mr. Ghatge Mahesh V.

Advocate for Respondent No.5 : Mr. Adgaonkar Ravibhushan P.

Advocate for Respondent No.6 : Mr. Biradar Ramrao Dhondiram

...

**CORAM : R. G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

Dated : NOVEMBER 13, 2025

JUDGMENT : (Per ABASAHEB D. SHINDE, J.)

1. Rule. Rule made returnable forthwith. By consent of the parties, heard finally.
2. By this writ petition, the petitioner is challenging the impugned order dated 21/04/2023 passed by the Deputy Director of Education, Latur, whereby the approval earlier granted to the petitioner's appointment as *Shikshan Sevak* by the Education Officer (Secondary), Zilla Parishad, Latur, under order dated 23/08/2017, has been cancelled.
3. The factual matrix of the case is as under :

The petitioner contends that he possesses the requisite qualifications for being appointed as an Assistant Teacher. It is stated that the petitioner was initially appointed as an Assistant Teacher in respondent No.6-School on 29/12/2014.

4. It is further contended that while the petitioner was working with respondent No.6-School, an advertisement was issued by respondent No.4-Management for the post of *Shikshan Sevak* in respondent No.5-School for the subject of Mathematics. The petitioner participated in the selection process and was duly selected. Pursuant thereto, respondent No.4 issued an appointment order dated 27/03/2017 appointing the petitioner as a *Shikshan Sevak* in respondent No.5-School for an initial period of three years.

5. The petitioner further submits that though he was appointed by respondent No.4 in respondent No.5-School, respondent No.6, considering the shortage of a Mathematics teacher, availed his services, and accordingly, the petitioner used to teach the subject of Mathematics there as a stop-gap arrangement.

6. However, the petitioner asserts that he is working as a full-time

teacher in respondent No.5-School, which is run by respondent No.4-Management, and he rendered services in respondent No.6-School only as a stop-gap arrangement. The petitioner maintains that he is not a full-time teacher of respondent No.6-School and that he has not received any salary from respondent No.6.

7. The petitioner contends that his service as *Shikshak Sevak* has been duly approved by respondent No.3 - Education Officer (Secondary), Zilla Parishad, Latur, vide order dated 29/09/2021, pursuant to the proposal submitted by respondent No.4 - Management. The petitioner further submits that he is a full-time teacher working in respondent No.5 School, which is run by respondent No.4.

8. The petitioner also submits that after the approval of his services as *Shikshak Sevak* by respondent No.3, the proposal for inclusion of his name in the Shalarth ID was forwarded by respondent No.5. Respondent No.2 - Deputy Director of Education thereafter, by order dated 22/12/2021, included his name in the Shalarth ID, and the petitioner accordingly started receiving his salary.

9. It is contended that, based on a complaint made by a stranger, respondent No.2 initiated proceedings for cancellation of the approval granted to the petitioner's services. Ultimately, after hearing the petitioner as well as respondents No.4 and 5, respondent No.2 passed the impugned order cancelling the approval on the ground that the petitioner, by relying upon fabricated documents, attempted to show that he was working in respondent No.5 School from 01/04/2017 to 21/03/2020. In other words, it has been alleged that the petitioner, in collusion with the staff of respondent No.5, created documents to falsely show his service with respondent No.5 School.

10. The learned Counsel for the petitioner submits that although the petitioner was working with respondent No.6 School from 31/12/2014, after he was appointed by respondent No.4 to teach in respondent No.5 School, he has been working as a full-time teacher with respondent No.5 School and not with respondent No.6 School. The learned Counsel further submits that the petitioner initially used to assist respondent No.6 School due to his good performance and at the request of respondent No.6 School, he occasionally delivered lectures without receiving any salary. It is therefore submitted that, it

cannot be said that the petitioner continued as a full-time teacher in respondent No.6 School.

11. The learned Counsel for the petitioner also submits that the petitioner is a full-time teacher in respondent No.5 School, and any services rendered to respondent No.6 School were only by way of a stopgap arrangement, that too without hampering the teaching work of respondent No.5 School. The learned Counsel further submits that the impugned order is unsustainable for the reason that the petitioner was not simultaneously working in two schools, i.e., respondent Nos.5 and 6, nor was he drawing salary from both institutions. There is no material on record to show that the petitioner simultaneously worked with respondent Nos.5 and 6 Schools.

12. The learned Counsel for the petitioner also submits that there is no record to show that the petitioner ever received regular salary from respondent No.6 School. Therefore, the finding recorded in the impugned order that the petitioner fabricated documents to show his appointment in respondent No.5 School, while actually working in respondent No.6 School, is contrary to the record.

13. The learned Counsel for respondents No.4 and 5, relying on the affidavit in reply, submits that the petitioner is discharging his duties only in respondent No.5 School, which is run by respondent No.4, between 10:30 a.m. and 04:30 p.m. The learned Counsel further contends that the petitioner is a full-time teacher working exclusively with respondent No.5 School. It is further submitted that the complainant, whoever he may be, has misled respondent No.2, and therefore, this Court may pass an appropriate order.

14. The learned Counsel for respondent No.6 School has also filed an affidavit in reply stating that the petitioner was appointed in respondent No.6 School on a non-grant-in-aid basis, but he stopped reporting after some time. It is, however, admitted by respondent No.6 School that the petitioner was working only on a temporary basis and was paid merely an honorarium.

15. The learned AGP submits that the fact that the amount of honorarium was credited to the petitioner's account shows that he was working with respondent No.6 School. It is therefore contended that, although the petitioner was actually serving in respondent No.6

School, he attempted to portray that he had been appointed by respondent No.4 to teach in respondent No.5 School. On this basis, the proceedings were initiated, and it was concluded that the petitioner, in collusion with respondents No.4 and 5, had obtained the approval from respondent No.3 – Education Officer.

16. After hearing the learned Counsel for the petitioner and the learned Counsel for the respective respondents, and after going through the contents of the writ petition, the affidavits in reply, and the documents annexed thereto, it appears that the petitioner has placed on record the initial appointment order dated 31/12/2014 by which he was appointed as an Assistant Teacher with respondent No.6 School. The record further reveals that on 10/03/2017, respondent No.3 had floated an advertisement in the newspaper for the post of *Shikshak Sevak* in Mathematics and Science subjects. The documents further depict that the selection process was carried out and ultimately the petitioner came to be appointed as *Shikshak Sevak* with effect from 01/04/2017 to 31/03/2020 by respondent No.4.

17. The record also shows that, pursuant to the proposal submitted

by respondent No.4, respondent No.3 – Education Officer, by order dated 29/09/2021, granted approval to the appointment of the petitioner as *Shikshak Sevak*. It also appears from the record that, based on the proposal submitted for inclusion of the petitioner's name in the Shalarth ID, respondent No.2, on 30/12/2021, included the petitioner's name in the Shalarth ID. It is pertinent to note that on the basis of the proposal submitted by respondents No.4 and 5, respondent No.2 has included the name of the petitioner in the Shalarth ID after holding a thorough enquiry.

18. From the entire factual situation noted hereinabove, it is amply clear that at least three documents *prima facie* show that the petitioner has rendered services as a full-time teacher with respondent No.5 School, which is run by respondent No.4, and that approval has also been granted by the Education Officer. Not only this, but even the petitioner's name has been included in the Shalarth ID under the orders of respondent No.2 – Deputy Director of Education itself.

19. It is, however, only because of a complaint made to respondent No.2 by a stranger that proceedings for cancellation of the approval

granted to the petitioner's appointment as *Shikshak Sevak* came to be initiated. It is significant to note that this is not a case where the petitioner is being paid twice, nor is it a case of overpayment causing loss to the public exchequer. On the contrary, from the submissions of the petitioner as well as respondents No.4 and 6, it can be gathered that the petitioner is rendering his services as a full-time teacher only with respondent No.5 School.

20. It is also pertinent to note that the petitioner is not drawing salary from the grant-in-aid of both respondent No.5 and respondent No.6 Schools so as to suggest that he is taking undue benefit on the basis of any alleged fabricated documents. We are, therefore, of the view that this cannot be considered a case of fraud, as there is nothing placed on record to show that the petitioner is drawing salary from the grant-in-aid of both respondent No.5 and respondent No.6 Schools, thereby causing loss to the public exchequer. The factual position and the record clearly show that the petitioner is receiving salary as a full-time teacher only from respondent No.5 School. Though it is sought to be shown that some amount towards honorarium was credited to the petitioner's account, it is explained by the petitioner that he was taking guest lectures for respondent

No.6 School and was being paid only such honorarium.

21. In that view of the matter, the impugned order is unsustainable and deserves to be quashed and set aside. Accordingly, the order dated 21/04/2023 passed by respondent No.2 – Deputy Director of Education, Latur Division Latur, whereby the approval granted by respondent No.3 – Education Officer (Secondary), Zilla Parishad, Latur, in favour of the petitioner dated 23/08/2017 came to be cancelled, is hereby quashed and set aside.

Rule is made absolute in above terms.

(ABASAHEB D. SHINDE, J.)

(R. G. AVACHAT, J.)

vj gawade/-.