



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

WRIT PETITION NO.12755 OF 2022

Vijay s/o. Uttamrao Wankhede ..Petitioner
Vs.

The State of Maharashtra
and others ..Respondents

WITH

WRIT PETITION NO.12758 OF 2022

Smt. Pooja Venkatrao Jadhav
and others ..Petitioners

Vs.
The State of Maharashtra
and others ..Respondents

Mr.V.S.Panpatte, Advocate for petitioners
Mr.S.R.Yadav-Lonikar, AGP for respondent nos.1 to 3
Mr.Sachin S. Deshmukh, Advocate for respondent nos.4 and 5

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

DATE : APRIL 15, 2025

ORDER :-

Heard learned counsel for the parties.

2. Both these petitions are taken up together since common questions of fact and law arise therein. Moreover, the order impugned herein is one and the same. Vide the impugned order, the approval granted by respondent no.1 - Education Officer for appointment of the petitioners, has been recalled/cancelled by respondent no.2 - Deputy Director of Education.

3. Learned counsel for the petitioners would submit that respondent no.2 - Deputy Director of Education has acted contrary to the judgments of this Court. He mainly relied on the judgment delivered by this Court at Principal Seat in the case of **Amol Baban Sanger Vs. The State of Maharashtra and others, dated 21.02.2022 (Writ Petition No.8966 of 2021)**.

4. Learned AGP would, on the other hand, submit that the Deputy Director of Education being superior to the Education Officer, may exercise his powers. He would further submit that if an independent proposal is received from the Education Officer for recalling of the approval granted by him, the Deputy Director of Education may entertain and decide it on its own merits.

5. In the case of **Amol Baban Sanger** (supra), wherein, it has been observed thus:-

5. When the aforesaid facts are not in dispute, we see no reason for the Deputy Director, Education to again dig out the issue of grant of approval to the appointment of the Petitioner to aided post upon his transfer from unaided post, when it comes to inclusion of the name of the Petitioner in the Shalarth system. The Shalarth system has been initiated for facilitating the online payment of salary to the school employees by streamlining the whole system. When such is the object of the Shalarth system, the Deputy Director,

Education cannot again look into the irregularity or otherwise caused in granting the approval to the appointment of the school employees by the Education Officer.

6. After having considered the submissions advanced and going through the judgment in the case of **Amol Baban Sanger** (supra), the Writ Petitions deserve to be allowed in terms of prayer clauses (B), (C), (D) and (E) and the same is accordingly allowed. The Deputy Director of Education may exercise his powers independently if a proposal to that effect is received from his subordinate or fraud is detected.

[SANDIPKUMAR C. MORE, J.]

[R.G. AVACHAT, J.]

KBP