



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7389 OF 2024

1. Pallavi Sudhir Phulari
Age: 41 years, Occu.: Nil,
R/o C-53, Vidyanagar, Parali-Vajinath,
Tq. Parli-Vajinath, Dist. Beed
2. Rajshree Madhavrao Jadhav
Age: 40 years, Occu.: Nil,
R/o Anandnagar, Parali-Vajinath,
Tq. Parali-Vajinath, Dist. Beed
3. Deepak Prakashrao Deshmukh
Age: 39 years, Occu.: Nil,
R/o Deshmukh Par, Parali-Vajinath
Tq. Parli-Vajinath, Dist. Beed
4. Abhijit Manohar Lokare
Age: 39 years, Occu.: Nil,
R/o Priya Nagar, Parali-Vajinath,
Tq. Parli-Vajinath, Dist. Beed

..PETITIONERS

VERSUS

1. State of Maharashtra
Through its Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai
2. The Director of Education,
Secondary and Higher Secondary,
Directorate of Education,
Central Building, Camp, Near Sasun Hospital,
Pune
3. The Education Officer (Secondary)
Zilla Parishad, Beed

..RESPONDENTS

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Mr. T.M. Venjane, Advocate for petitioners
Mr. S.R. Yadav-Lonikar, A.G.P. for respondents

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CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.
DATE : 02nd APRIL, 2025

PER COURT :

1. Heard finally with consent of the parties.

2. This petition has been filed for the following main reliefs :-

“B] This Hon’ble Court by issuing writ of certiorari or any other writ in the like nature, be pleased to quash and set aside the communication dated 11.03.2024 issued by the Divisional Deputy Director of Education, Chhatrapati Sambhajnagar.

C] This Hon’ble Court by issuing writ of mandamus or any other writ in the like nature, may kindly direct the Divisional Deputy Director of Education, Chhatrapati Sambhajnagar to include names of the petitioners in Shalarth Pranali ID, at the earliest preferably within a period of 1 month from passing order by this Hon’ble Court.”

3. Learned counsel for the petitioners submits that the issue involved in this writ petition has been covered vide judgment and order dated 21st February, 2022 passed in Writ Petition No. 8966 of 2021. According to him, approval to the appointment of the petitioners was granted by the Education Officer (Secondary), and therefore, the Deputy Director of Education cannot refuse to include the name of the petitioner in Shalarth ID.

4. So far as legal preposition is concerned, learned A.G.P. is at one with learned counsel for the petitioners. He, however brought to our notice paragraph no.9 of his affidavit-in-reply to submit that the Deputy Director of Education, in exercise of powers vested in him, may took an independent decision in accordance with the rules and regulations.

5. There would be no quarrel over this submission. The fact remains that in the judgment relied on by the petitioners, this Court has observed thus :-

*“6. In number of judgments one of which is the judgment delivered in the case of **Pramod Prabhakar Pokale v. 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.”*

6. In view of above, writ petition stands allowed in terms of prayer clauses (B) and (C). It is made clear that Respondent No.3 - Deputy Director of Education may exercise his power vested in him in accordance with the rules and regulations independently.

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT, J.)

SSD