



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.9020 OF 2025

ANITA MANIKRAO GHODE ALIAS ANITA MANOJ KHADSE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.D. Hon, Senior Counsel i/b Mr. K.B. Jadhav & Mr. Aniket Pawar,
Advocates for petitioner

Mr. R.S. Wani, AGP for respondent Nos.1 and 2

Mr. S.V. Dixit, Advocate for respondent Nos.3 and 4

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 28th NOVEMBER, 2025

ORDER :

. The petitioner submits that she is duly qualified for being appointed for the post of Shikshan Sevak in the subject of English and has undergone the process undertaken by respondent through Pavitra Portal. Her name appeared at Sr.No.91, wherein, she had given preference to respondent No.4 school run by respondent No.3 institution on account of vacancy due to non joining of one of the teachers, however, her claim has not been considered and, therefore, she has approached this Court for the following

reliefs :

“(B) Issue a writ of Mandamus or any other writ, order or directions in the nature of writ of Mandamus thereby directing respondent No.2 – Education Officer (Secondary), Zilla Parishad, Jalgaon to recommend the name of petitioner for the post of Shikshan Sevak as per the preference given by petitioner in respondent No.4 school run by respondent No.3 institution by virtue of said post bearing lying vacant.

(C) Issue a writ of Mandamus or any other writ, order or directions in the nature of writ of Mandamus thereby directing respondent No.2 – Education Officer (Secondary), Zilla Parishad, Jalgaon to consider and act upon the representation dated 14.05.2025 made by respondent No.3 institution and representation dated 28.05.2025 addressed by the petitioner to him.”

2 Learned AGP waives notice for respondent Nos.1 and 2 and learned Advocate Mr. S.V. Dixit waives notice for respondent Nos.3 and 4 by appearing *suo motu* for the Management.

3 Learned AGP, upon instructions from respondent No.2, submits that appropriate authority to take action or decision is the Commissioner of Education. In fact, the Commissioner of Education controls the appointments through Pavitra Portal. According to him, after the directions are given by the Commissioner of Education, respondent No.2 – Education Officer (Secondary) is supposed to give the name of eligible candidates taking into consideration the number of vacancies and thereafter those persons are required to approach the school committee who would after taking interview

would appoint a Shikshan Sevak. Now, in the present case the representation has been given to respondent No.2 and Commissioner of Education has not been made as party respondent.

4 Learned Senior Counsel Mr. V.D. Hon instructed by learned Advocate Mr. K.B. Jadhav submits that petitioner is having requisite qualification of M.A. with English, Bachelor of Education and also passed Teacher Eligibility Test. She has also passed Teachers Aptitude and Intelligence Test (TAIT). After the advertisement was published by respondent No.3 on 08.02.2024 for the recruitment of four Shikshan Sevak. Respondent No.2 had sent four candidates registered on Pavitra Portal to respondent No.3 for being appointed to the post as per the advertisement. In fact, one candidate viz. Sayli Prakash Barambe came to be appointed by respondent No.3 for the post meant for subject of Mathematics and one Priyanka Jagannath Patil came to be appointed for the post of English, however, she did not join the service and, therefore, a representation was given to respondent No.3 on 15.09.2024 giving all those details. Now, for two years the said post is vacant though the petitioner is qualified and has undertaken the entire procedure as contemplated by the Government; yet respondent Nos.1 and 2 are not considering the appointment.

5 We may not go into other aspects or facts in detail certainly when the permission has been given for filling up the post and half of the procedure has been undertaken, then it would be the bounden duty of respondent Nos.1 and 2 to see that no post goes vacant for reasonable period. If the person appointed even after going through the procedure has not joined the service, then it was for respondent No.2 to see that respondent Nos.3 and 4 get a Shikshan Sevak for the said post i.e. for the subject of English. Even if the representation that was given on 15.09.2024 was addressed to him, he was of the opinion that Commissioner of Education is the appropriate authority to take the decision, then he ought to have called for the guidance or ought to have forwarded the said representation for its decision. Under such circumstance, we **dispose of** the writ petition by directing respondent No.2 to decide the representation dated 15.09.2024 either himself, if he is having jurisdiction, or forward the same to the Commissioner of Education within a period of one month from today. If the decision of forwarding it to the Commissioner of Education is taken, then the Commissioner of Education to decide the said representation within a period of 30 days after the receipt of such forward.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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