



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

901 WRIT PETITION NO. 9073 OF 2019

**1. SAHARA EDUCATION AND MEDICAL SERVICES
MANDAL, ROSHAN GATE, AURANGABAD THROUGH
ITS PRESIDENT NABI VAZIR PATEL**

2. PRAVEEN BANO MAHMOOD PATHAN

3. KISANSING RAMSING BARWAL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. S.R. Barlinge
AGP for Respondents No.1 to 3 : Mr. S.D. Ghayal
Advocate for Respondent No.4 : Mr. Kartik D. Mundhe

...

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

DATE : 07.11.2025

PER COURT:

1. Heard.
2. The petitioners before us are the employees and the Management of a school run by a Minority Institution. The petitioners No.2 and 3 are the non-teaching staff i.e. a Clerk and a Peon, appointed in the years 2008 and 2011, respectively. In this writ petition, they have urged for the grant of approval for their appointments and the consequential release of salary from the grant-in-aid. The approved

staffing pattern for the year 2012 has been placed on record. As per that staffing pattern, the strength of the petitioners' school was more than 500 and therefore, one post of Junior Clerk and one post of Peon were admissible for it. The then Education Officer has approved the appointments, but that approval has been disputed in this writ petition.

3. The petitioners placed on record a copy of certain entries from the outward register, which were obtained under the Right to Information Act, 2005. A glance at the said entries indicates that interpolations and additions have been made therein to make out a case for having dispatched letters indicating the issuance of approvals. This Court had repeatedly asked the respondent - Zilla Parishad, as to whether, the Education Officer, who appears to have approved the appointments, could file an affidavit denying the same. His successor in office has disputed the same. The same is of little consequence. Even as of now, no such statement is coming forward from the Zilla Parishad.

4. Today also, the learned advocate for the petitioners has placed on record approved staffing pattern of the year 2012. The same suggests that although in the years 2008 and 2011, when the petitioners No.2 and 3 were appointed, though there was no sanctioned staff *vis-a-vis* the requisite strength of the students of the school, the fact is that in 2012 and onwards, the strength of the students of the petitioners' school has been consistent and having graph northward. The same suggests that the strength of the students entitles the petitioners' school to have one

Clerk and one Peon appointed. The Zilla Parishad has approved those posts. It is for the State Government to sanction the salary grants of these two employees. The record indicates that these two employees were appointed by following due process. Since both these employees have been serving with the petitioners' private school since 2008 and 2011 and the Zilla Parishad has approved the staffing pattern, moreover, their appointments were not in breach of any of the recruitment rules, the school is entitled for their salary grants.

5. We expect the respondent - Zilla Parishad and the State to consider the petitioners' claim in right earnest and grant necessary financial grants for the disbursal of their salaries. We expect the exercise to be completed within a period of three months from the date of receipt of copy of this order. With these directions, the writ petition is disposed of.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)