



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 WRIT PETITION NO. 8730 OF 2024

Mayur Bhika Jadhav

VERSUS

The State Of Maharashtra Through It's Principal Secretary And
Others.

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Advocate for Petitioner : Mr. V.S. Panpatte

AGP for Respondents: Mr. P S Patil

Advocate for Respondents 3,4 : Mr. I.D. Maniyar

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CORAM : S. G. CHAPALGAONKAR AND
NEERAJ P. DHOTE, JJ.

Dated : July 04, 2025

PER COURT :-

1. Petitioner impugns the order dated 13.08.2024 passed by respondent no.2 i.e. Deputy Director of Education, Nashik Division, Nashik, whereby the proposal for grant of approval to the petitioner's appointment dated 18.11.2019, as Shikshan Sevak, has been declined.

2. Mr. Panpatte, learned advocate appearing for petitioner submits that, petitioner being qualified as M.Com. M.Ed., and possessing certificate in MS-CIT was eligible for appointment as 'Shikshan Sevak'. The Respondent/ Management has advertised the post for appointment of 'Shikshan Sevak' on their establishment. Eventually, petitioner

applied and came to be selected. Mr. Panpatte submits that appointment was made by following due process of law and there was no infringement of any rule.

3. Petitioner joined service in response to his appointment. Accordingly, a proposal was forwarded by respondent no.4 for grant of approval to his appointment. However, respondent no.2, by his order dated 13.8.2024 refused to grant approval to appointment of petitioner giving reason that post is not filled through 'Pavitra Portal' in tune with the Government Resolution dated 23.6.2017.

4. Mr.Panpatte relying upon judgment of Division Bench of this Court in case of **Santosh Vitthalrao Gaikwad Vs. The State of Maharashtra through its Principal Secretary and others** (Writ Petition No.10559 of 2024 with companion matter) and judgment in case of **Mahesh Bhimrao Salve Vs. The State of Maharashtra through Its Secretary and others** (Writ Petition No.13317 of 2024) submits that, in similar set of facts, this Court directed respondent no.2 to grant approval to appointment of petitioners', who were appointed without following procedure contemplated under Government Resolution dated 23.6.2017.

5. Mr. Patil, learned AGP strongly opposed the petition. He contends that Government Resolution dated 23.6.2017 has postulated procedure for appointment of the teachers in the private school. Pavitra Portal is made available for such appointment. Ignoring modality of appointment prescribed by the Government, appointment of petitioner is made and, therefore, approval to irregular appointment is rightly rejected under the impugned order.

6. We have considered submissions advanced by the learned advocates appearing for the respective parties. Both the sides have made available the copies of the orders/judgments passed by this Court in the similar petitions. There is no dispute that the approval to the Petitioner's appointment has been rejected only on the ground that the appointment of the Petitioner was not made through the Pavitra Portal. This Court in Writ Petition No. 10205 of 2024 and connected Writ Petitions, has considered the identical issue and by order dated 23.04.2025 allowed the Petitions by setting aside the impugned order by which the proposal for approval to the appointment of the Petitioners therein was rejected by the concerned authority. We have perused the said order.

7. In the case in hand, it can be observed that, respondent nos.3 and 4 had forwarded application seeking permission of respondent no.2 to issue advertisement in compliance of section 5(1) of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. It was not responded for the reason best known to respondents. It is apparent that the post, on which petitioner is appointed was marked as unreserved category and accordingly it was advertised. Petitioner applied in response to the advertisement and he has been selected through duly constituted selection Committee. There is no dispute that petitioner holds necessary qualification for appointment on the post of 'Shikshan Sevak'. Even, on perusal of impugned order, it can be observed that proposal is rejected only on the ground that appointment has not been made through 'Pavitra Portal'.

8. It is brought to the notice of this Court that 'Pavitra Portal' was not in operation when vacancy was declared or permission was sought for advertising the post. In this background, looking to consistent view taken by this Court in catena of judgments as referred above, impugned order cannot be sustained in law.

9. In result, we **allow** this writ petition and quash and set aside the impugned order dated 13.8.2024 and direct respondent no.2 to forthwith grant proposal for approval to appointment of petitioner without insisting for compliance of Government Resolution regarding 'Pavitra Portal'.

(NEERAJ P. DHOTE, J.)

(S. G. CHAPALGAONKAR, J.)

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