



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

903 WRIT PETITION NO. 10559 OF 2024

SANTOSH VITTHALRAO GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

WITH

WRIT PETITION NO. 10570 OF 2024

VAISHALI D/O PANDITRAO DULEWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Mr. Panpatte V. S., Advocate for the Petitioners

Mr. S. R. Yadav – Lonkar, AGP for Respondent-State

Mr. Maniyar Irfan D., Advocate for Respondent Nos.3 & 4

....

CORAM : R. G. AVACHAT AND

SANDIPKUMAR C. MORE, JJ.

DATED : 06/05/2025.

P. C. :

1. Both the petitions take exceptions to the order dated 26/08/2024 and 02/09/2024 refusing to grant approvals to the appointments of the petitioners on the ground that their recruitment was not made through *Pavitra Portal*.

2. The issue involved herein is no longer *res- integra*. In similar mater (Writ Petition No.8310 of 2021) the Principal Secretary of Education Department had filed an affidavit stating therein that the *Pavitra Portal* was in operation but the Division Bench of this Court after having considered issue therein observed in para Nos.8 & 9 as under.

- “8. *Considering the affidavit in reply filed by Principal Secretary of State of Maharashtra in Education Department in Writ Petition No.8310 of 2021, this Court in para 5 of the judgment in Writ Petition No. 13150 of 2022 (Shikh Jaweria Shadarsab vs. The State of Maharashtra and others) observed as under :*

“Pertinently, it is also being pointed out by a circular dated 07/07/2023, the Ministry of School Education had instructed all the Divisional Commissioners, Chief Officers and the Commissioner of Education, inter-alia pointing out that due to pendency of several writ petitions, the recruitment process could not be undertaken through Pavitra Portal in a timely manner resulting in there being shortage of eligible teachers to impart education. Permission was granted to make appointments on contractual and temporary basis on payment of some honorarium. This is clearly indicative of the fact that even the State has been aware that the Pavitra Portal could not be put to desired use irrespective of the objective with which it was issued been aware that the Pavitra Portal could not be put to desired use irrespective of the objective with which it was issued.”

9. *There is no factual dispute in this regard. As such, from 2017 onwards until June 2024 and might be even thereafter Pavitra Portal was not*

functional. This is the only ground for not granting approvals to the appointments of the petitioners. If the matters are remitted back to the concerned officers, there is every possibility of their finding a new ground for rejecting the approvals. We would have considered the request of the learned A.G.P. but it is however not the fact that the concerned authorities submit that since only one ground was found, they did not look into other aspects regarding validity of the appointments.”

3. Considering the said aspect, the Division Bench had set aside the order refusing to grant approvals only on the ground that the recruitment was not through *Pavitra Portal*. We need to take similar view in view of the observation of the Division Bench in that matter.
4. In the result, the petitions succeed and thus, allowed in terms of prayer clauses- D & E of both the petitions.
5. The compliance is to be made within a period of 12 weeks.
6. Both the petitions are disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)

(R. G. AVACHAT, J.)