



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13979 OF 2025

Shital Mohan Kathare,
Age-41 years, Occu:Service,
R/o-Raje Shivaji Nagar,
Behind Niki Hotel, Latur,
Taluka and District-Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
School Education & Sports
Department, Mantralaya, Mumbai-32,
- 2) The Deputy Director of Education,
Latur Region, Latur,
- 3) The Education Officer (Secondary),
Zilla Parishad, Dharashiv (Osmanabad),
- 4) Mahatma Gautam Shikshan Prasarak
Mandal, Kalamb, Taluka-Kalamb,
District-Osmanabad (Dharashiv),
Through it's President/Secretary,
- 5) The Head Master,
Janjagruti Madhyamik Vidyalaya,
Kalamb, Taluka-Kalamb,
District-Osmanabad (Dharashiv).

...RESPONDENTS

...
Mr. Rajendra R. Suryawanshi Advocate for Petitioner.
Mr. S.B. Narwade, A.G.P. for Respondent Nos.1 to 3.

...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 18th DECEMBER, 2025

ORAL ORDER [PER HITEN S. VENEGAVKAR, J.] :

1. Present Petition is filed for challenging impugned communication dated 30.11.2022 passed by respondent No.3 Education Officer (Secondary), Zilla Parishad, Dharashiv (Osmanabad). The petitioner is seeking quashing and setting aside of the order dated 30.11.2022 passed by respondent No.3 and further seeks direction to grant approval to the services of the petitioner as Shikshan Sevak from 01.07.2017 TO 30.06.2020 and thereafter from 01.07.2020 to till this date as Assistant Teacher and to disburse the payment of salary in favour of the petitioner from the date of her initial appointment till this date. The consequential reliefs have also been prayed.

2. It is the case of the petitioner that in pursuant to the advertisement dated 11.03.2012 she applied for the post which was reserved for female candidate for the subjects of Mathematics and Science and after completing the entire process, the petitioner was appointed as Shikshan Sevak. The petitioner's proposal for approval with requisite documents for the post of shikshan sevak was forwarded by the management,

which was rejected on the ground that no post was available for the reserved candidate as ten posts of assistant teachers were approved for the academic year 2017-2018 and as per the Government Resolution dated 23.06.2017 and 20.06.2018, the recruitment is necessary to be made as per the provisions of the Pavitra Portal. Accordingly, the proposal of the petitioner for the post of Shikshan Sevak was rejected by the Education Officer on 30.11.2022. As the proposal was rejected, the petitioner's services were terminated by respondent No.4 by order dated 09.02.2023. Against the said termination order, the petitioner preferred Appeal No.07 of 2023 before the School Tribunal, Solapur and challenged the termination order dated 09.02.2023 on legal and factual grounds. During the pendency of the appeal, an application below Exhibit-5 for the stay of the termination order was allowed and the petitioner was permitted to continue in service. However, after the final hearing, the appeal of the petitioner came to be dismissed by the School Tribunal, Solapur on 24.02.2025. Against the said final order of the School Tribunal, the petitioner preferred Writ Petition No.8849 of 2025 in this Hon'ble Court and during the pendency of the Petition, there is an interim relief granted in favour of the petitioner staying the termination order dated 09.02.2023 and also the

order dated 24.02.2025 passed by the School Tribunal, Solapur. The said Writ Petition is still pending for final adjudication.

3. In the light of the above, the contentions of the petitioner is that as the termination order is stayed by this Court and the petitioner is allowed to continue in services, the directions be issued to the authorities to decide the proposal for granting approval to the petitioner's services as Shikshan Sevak. In our considered view, the final adjudication about the petitioner's termination is still pending before this Court and it has not achieved finality. Secondly, from the record it can be noted that there is no proposal forwarded by the management seeking approval to the post of petitioner's appointment as Shikshan Sevak. In absence of any proposal pending before the authority, no such directions can be given under Article 226 of the Constitution of India. The petitioner will have to await the final adjudication of the Writ Petition No.8849 of 2025 which is pending in this Court.

4. Accordingly, the Writ Petition stands dismissed. No order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

asb/DEC25

[SMT. VIBHA KANKANWADI]
JUDGE