



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

913 WRIT PETITION NO. 13317 OF 2024

Mahesh Bhimrao Salve

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. V. S. Panpatte - Advocate for the Petitioner

Mr. P. S. Patil - AGP for Respondent Nos. 1 and 2 / State

...

**CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.**

DATED : 18TH JUNE, 2025

PER COURT : -

1. Heard the learned Advocate for the Petitioner and the learned AGP for the State at length. Perused the papers on record.
2. The Petitioner, who has acquired the qualification as M.A. B.Ed. (Geography and Marathi Subjects) and belongs to the Scheduled Caste Category, had responded to the Advertisement dated 22.06.2018 issued by the Respondent No. 4 – Education Institution for the post of *Shikshan Sevak*. The Petitioner came to be appointed by Respondent No. 4 – Education Institution as Shikshan Sevak by appointment order dated 02.07.2018. The Proposal of the Petitioner for approval was forwarded to the Respondent No. 2 / Dy. Director of Education. The said proposal came to be rejected by the impugned order dated 22.10.2024 on the

ground that the Petitioner's appointment was not made through the *Pavitra Portal* system, which was introduced by the State Government for recruitment of teachers.

3. It is submitted by the learned Advocate for the Petitioner that, at the relevant time, the said *Pavitra Portal* was not in operation and, therefore, Respondent No. 4 – Management could not undertake the recruitment through the said Portal. He submits that, this Court has, in several petitions, set aside the similar orders by which the approval to the similarly placed teachers were rejected on the ground that the recruitment was not made through the Pavitra Portal. He submits that, considering the aspect that this Court had allowed the several petitions whereby similar relief was claimed, the Writ Petition be allowed.

4. The Writ Petition is vehemently opposed by the learned AGP appearing for Respondent Nos. 2 and 3. He submits that in Writ Petition No. 8310 of 2021, the Principal Secretary, School Education Department, Government of Maharashtra, had filed a detailed affidavit clarifying the position in respect of the *Pavitra Portal*. He further submits that, this Court at Principal Seat had dismissed Writ Petition No. 1959 of 2024, which was filed challenging the order refusing approval to the Petitioner therein who was also appointed as the Assistant Teacher.

He submits that there is no merit in the present Writ Petition and the same may be dismissed.

5. 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. In the said order, this Court had considered the affidavit-in-reply filed by the Principal Secretary, Education Department, Government of Maharashtra, in the above referred Writ Petition No. 8310 of 2021. Perusal of the order passed by this Court at Principal Seat shows that, there were more than one reason on which the appointment of the Petitioner therein was found to be not in accordance with law.

6. In the case at hand, the papers on record go to show that the Respondent No. 4 had provided the information, which is at page No. 36 and annexed as Exhibit - 'E' to the Petition, to the Education Officer (Secondary), *Zilla Parishad*, Dhule, regarding the vacant posts in

Respondent No. 4 – School. The said communication shows that, twelve (12) posts of teachers were vacant, out of which five (5) posts were reserved for Scheduled Caste Category candidates. The papers on record also go to show that, at the time of recruiting the Petitioner, Respondent No. 4 had issued an advertisement, copy of which is at Page No. 28 and annexed as Exhibit - 'B' to the Petition. There is also a document on record at Page No. 29 and annexed as Exhibit - 'C' to the Petition, showing the attendance of the candidates appeared for the interview. The time of recruitment shows that, in all six candidates including the Petitioner had appeared for the interview. There is also a copy of mark-sheet showing the marks secured by the candidates, who had appeared for the interview. At page no. 31 of the Petition, there is a copy of Prapatra Kra. 1, having an endorsement to fill up the backlog of the reserved posts and the appointment of the Petitioner came to be made. The papers on record further show that, the Proposal for the approval to the appointment of the Petitioner was forwarded in the prescribed format along with the necessary copies of documents. In this view of the matter, we follow the same course, which was adopted by this Court in the above referred Petitions, which were decided by order dated 23.04.2025, and hence we proceed to pass the following order:

ORDER

- [i] The impugned order dated 22.10.2024 is quashed and set aside.

- [ii]** Respondent No. 2 shall grant approval to the appointment of the Petitioner as Shikshan Sevak, and thereafter as Assistant Teacher, from the respective dates on which he was appointed.
- [iii]** It is needless to state that, upon grant of approval to the appointment of the Petitioner, all consequential benefits shall follow.

7. The Petition stands disposed off accordingly.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde