

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 10205 OF 2024
WITH
WRIT PETITION NO. 8672 OF 2024
WITH
WRIT PETITION NO. 9341 OF 2024
WITH
WRIT PETITION NO. 10043 OF 2024

KALYANSING INDRASING RAJPUT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Mr. V.S. Panpatte, Advocate for the petitioners.
Mr. S.R. Yadav-Lonikar, A.G.P. for respondent / State.
Ms. Karishma Sarin, Advocate for respondent Nos.4 and 5 in
Writ Petition No. 10205 of 2024
Mr. I.D. Maniyar, Advocate for respondent Nos.4 and 5 in Writ
Petition No. 8672 of 2024 Nos.3 and 4 in Writ Petition No. 9341
of 2024.
Mr. Majit Shaikh, Advocate for respondent Nos.3 and 4 in Writ
Petition No. 10043 of 2024.

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CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.

DATED : 23 APRIL 2025

P.C. :

1. Heard.
2. All these petitions are taken up together for decision since the common question of facts and law arise therein. The petitioners in all these petitions were initially appointed as *Shikshan Sevaks* for a period of three years from the respective dates of their appointments. The proposals for approval for

their appointments were submitted to Deputy Director of Education and/or Education Officer - Secondary. All the proposals came to be turned down only for the reason that their recruitment was not made through *Pavitra Portal*.

3. Learned Advocate for the petitioners would submit that *Pavitra Portal* was not in operation until June 2024. The Principal Secretary of the State of Maharashtra in Education Department had filed affidavit to that effect in one of the Writ Petition (Writ Petition No.8310 of 2021). He would further submit that some of the petitioners belong to reserved category while some of the petitioners were appointed for teaching Math, Science and English subjects. He, therefore, relied on the judgment of the Division Bench of this Court dated 10 July 2017, in the case of ***Smt. Munoli Rajashri Karabasappa vs State of Maharashtra (Writ Petition No. 8587 of 2015 and other connected matters)*** wherein it has been observed that the education institute cannot sit long causing prejudice to the pupils by not appointing teaching staff. The Education Officer ought to have provided surplus teachers, if any, or granted approval. He would further submit that the government resolution of 2012 regarding ban on recruitment was not applicable in case of filling up the posts of reserved category candidates. All in all, the learned advocate would urge for

allowing the petitions relying on the following judgments.

*(i) Rajan Sahadeo Ratul & ors vs State of Maharashtra
2023 (6) Mh.L.J. 234*

*(ii) Judgment of Division Bench of this Court in the case
of Lalit Sureshrao Shinde vs State of Maharashtra and
others in Writ Petition No.14420 of 2021, dt. 16.04.2024.*

4. Learned A.G.P. would, on the other hand, submit that although *Pavitra Portal* may not have been in operation at the relevant time, the management appears to have not undertaken the recruitment process strictly in adherence to Section 5 of M.E.P.S. Act. He would further submit that if the Court is inclined to allow the petitions, let the matters be remitted back to the concerned Education Officer/Deputy Director of Education for considering the proposals afresh. He, therefore, urged for passing the appropriate orders.

5. Learned Advocate Ms. Karishma Jain for management supports the cause of the petitioners.

6. Considered the submissions advanced. Perused the orders impugned herein. The details of the petitioners i.e. their qualifications, dates of appointment, subject for which they were recruited and their caste claim, are given in tabular form below.

WP Nos	Name of petitioners	Qualification	Subject	Categorization of Pet.	Applications for NOC	Advt	Dt. of appointment wef	Rejected on	Reason
1	2	3	4	5	6	7	8	9	10
10205/2024	Kalyansing s/o Indrasing Rajput & ors	M.Sc. B.Ed.	Math/ Science	Open	7.5.18	1.6.18 p.no.44	15.6.18	By E.O. on 6.8.24 P.No.119	Pavitra Portal G.R. 23.6.17
	Seema d/o Vishwas Patil	M.A. B.Ed.	English	OBC	12.5.20	1.7.20 p.no.45	1.8.20		
	Vishal s/o Patingrao More	B.Sc. B.Ed	Math/ Science	OBC	16.3.21	1.6.21 p.no.46	15.6.21		
8672/2024	Rahul Shivaj Patil	M.A. B.Ed.	History / Hindi	EWS	30.11.22	22.12.22	1.1.23	By E.O. on 14.6.23 P.No.44	
9341/2024	Ravindra Shripati Kamble	M.A. B.Ed.	English	SC	3.5.2021	15.6.21	28.6.21	By Dy. Director of Edu. on 21.2.24 P.No.64	
10043/2024	Rita Govindrao Patil & ors	M.Com B.Ed.	Accountancy	OBC	12.1.18	4.5.18	15.6.18	By Dy. Director of Edu. on 26.8.24 P.No.64	
	Raksha Kalyanrao Bedse	M.A. B.Ed.	Economics	OBC	12.1.18	4.5.18	14.6.21		

7. All the impugned orders indicate that the proposals for approval to the appointments of the petitioners have been turned down solely on the ground of the recruitment to have not been made through *Pavitra Portal*.

8. Considering the affidavit in reply filed by Principal Secretary of State Government 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 (Shaikh Jaweria*

Khadarsab vs The State of Maharashtra and others), observed

as under :

“Pertinently, it is also being pointed out that 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 proposals. 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.

10. In view of the above, we are inclined to allow all the writ petitions with a direction to the concerned Education Officer and Deputy Director of Education to grant approvals to the appointments of the petitioners as *Shikshan Sevaks and* Assistant Teachers from the respective dates on which they were appointed and release their monetary benefits, within a period of six months from the date of receipt of copy of this order.

11. All the writ petitions stand disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT,J.)