



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

WRIT PETITION NO.11789 OF 2024

Shri Tushar s/o Durgadas Borse ... **PETITIONER**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. V.S. Panpatte, Advocate for Petitioner
Mr. S.R. Yadav Lonikar, A.G.P. for Respondents No.1 to 3
Mr. I.D. Maniyar, Advocate for Respondents No.4 and 5
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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 23rd JUNE, 2025

ORDER :

The Petitioner was holding the qualification as B.A. B.Ed. The Petitioner was appointed as Shikshan Sevak to teach 9th and 10th Standards (Secondary) initially for a period of three years from 2022 to 2025. Thereafter the Petitioner was continued as Assistant Teacher. The Petitioner's proposal was sent to the Respondent No.3 Education Officer (Secondary), Zilla Parishad, Dhule for grant of approval as

Shikshan Sevak and also as an Assistant Teacher (Secondary). The said proposal was turned down by the impugned order dated 4/10/2024, which is at Page 57 (Exhibit J to the petition) on several grounds. Hence, the Petitioner has approached this Court by way of present Writ Petition.

2. It is submitted by learned Advocate for the Petitioner that, since the appointment of the Petitioner was for secondary classes, the Teachers Eligibility Test (TET) was not required pursuant to the Government Resolution dated 13/2/2013. He submits that, the deficiencies pointed out in the impugned communication have been complied with by the Management – Respondents No.4 and 5. He submits that, a mechanical order came to be passed by the Respondent No.3, which needs to be set aside. He submits that, this Court has allowed number of Petitions bearing Writ Petitions No.4030/2025 and 5094/2025 on 17/4/2025; and Writ Petitions No.10205/2024, 8672/2024, 934/2024 & 10643/2024 on 23/4/2025, wherein the approval was refused on similar grounds. He submits that, the petition be allowed.

3. Since there was a dispute in respect of compliance

made by the Respondents No.4 and 5 in respect of the Petitioner's proposal, this Court, by order dated 10/6/2025, directed the learned A.G.P. to get the original file of the Petitioner from the office of the Respondent No.3. Today the learned A.G.P. submits that, he has received the original file of the Petitioner from the office of Respondent No.3.

4. There is no dispute that the Petitioner was not required to hold the qualification of TET for appointment of Shikshan Sevak for the secondary classes i.e. 9th and 10th Standards. As regards other deficiencies pointed out in the impugned communication from Sr.Nos.2 and 3, the learned A.G.P., on going through the original file, submits that, the compliance has been made and the file contains the papers showing necessary compliance by the Respondents No.4 and 5, which was required to consider the proposal for grant of approval. One of the query in the impugned communication was that, the backlog of one post under O.B.C. category was available as per the roster and the appointment was not made to fill up the said backlog. However, from the papers on record, and on which there is no dispute, the appointment of

the Petitioner is made from the O.B.C. category. This shows that, the appointment of the Petitioner was against the post vacant from the backlog of O.B.C. category.

5. As regards the deficiency at Sr.No.1 that, the appointment was not made through Pavitra Portal, there is no dispute that, from the orders in several Writ Petitions, it is seen that it was informed that, for certain period which covers the period of appointment of the Petitioner, the said Pavitra Portal was not in operation.

6. In view of the above undisputed factual aspect, the impugned order is unsustainable as the same came to be passed without considering the documents submitted by the Respondents No.4 and 5 with the Respondent No.3. In view of the above, the impugned order needs to be quashed and set aside. Hence, we allow the Writ Petition in terms of prayer clauses (B) and (C), which read as under :-

- (B) By a writ of certiorari or any order or direction in the like nature, the impugned order dated 04/10/2024 (J) passed by the Respondent No.3 Education Officer (Secondary), Dhule at (Exh. "N") may kindly be quashed and set aside.

- (C) By a writ of mandamus or order or direction in the like nature, the Respondent No.3 Education Officer (Secondary), Dhule may kindly be directed to grant approval to the appointment of Petitioner as Shikshan Sevak w.e.f. 15/06/2022 to 14/06/2025 and thereafter as Assistant Teacher in regular pay scale from 15/06/2025 and to sanction Shalarth I.D. through the Respondent No.2 and release due and payable salary within a period of four weeks.

7. As regards the above referred four weeks period prayed in prayer clause (C), we grant twelve weeks time to the Respondent No.3 Education Officer (Secondary), Zilla Parishad, Dhule and Respondent No.2 Deputy Director of Education, Nashik Division, Nashik to comply with this order.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-