



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

WRIT PETITION NO.12786 OF 2024

Bhagyashri d/o Bhalchandra Desale ... **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.Sc. 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 28/12/2023, which is at Page 61 (Exhibit M 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 to 5, 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. The query No.5 pertains to delayed submission of the proposal by one year and 10 month. The same is taken care of by the affidavit-in-reply filed by Respondents No.4 and 5. The relevant averments from the said affidavit-in-reply are as follows : -

“2. That, on arising vacancies of the teachers of respective subjects due to retirement of earlier teachers and transfer of teachers of the Respondent No.5- Junior College, the answering Respondent No.5 by making application dated 3/8/2021, sought permission of the Respondent No.3 to fill in the respective vacant post by issuing advertisement. A copy of application dated 3/8/2021 made by Respondent No.5 to the Respondent No.3 is annexed herewith and marked as **Exhibit “R-1”**. However, the Respondent No.3 neither responded the application dated 3/8/2021 nor granted the permission sought, for considerable long period, therefore, the answering Respondent No.4 issued advertisement in Daily “Rajrang Times” and “Warta” dated 06/06/2022 (at page 26 & 27), which is approved by the Government for the post of Shikshan Sevak including of Chemistry subject scheduling interviews on 12/06/2022 in response to the said advertisement dated 06/06/2022, the Petitioner and other candidates appeared for interview on 12/06/2022 for the post of Shikshan Sevak of Chemistry subject. Since in the said interview, the Petitioner stood meritorious, she came to be selected for the said post. Accordingly, the Respondent No.4 passed resolution dated 19/06/2022 (page 44) for appointing the Petitioner on vacant post due to retirement as well as transfer of earlier teacher Shri Pandit Buddha Pawar on 2/8/2021 and by issuing appointment order dated 20/6/2022 appointed the Petitioner as Shikshan Sevak from 20/06/2022 to 19/06/2025 (Page No.45). Since the date of her appointment i.e. 20/06/2022 the Petitioner is in continuous service as Shikshan Sevak of Chemistry subject in the Respondent No.5 Junior College.

Thereafter, the answering Respondent No.5 submitted proposal dated 23/1/2023 seeking approval to the appointment of the Petitioner to the Respondent No.3 and the same was received by the Respondent No.3. However, the Respondent No.5 preferred the proposal

and tried to submit the same to the office of the Respondent No.3 but the Respondent No.3 refused to accept the said proposal on the count that, by placing reliance upon the Pavitra Portal G.R. dt. 23/06/2017 and lastly same was accepted on 23/1/2023. Therefore, there is no delay on the part of the Respondent No.4 and 5 to submit the proposal. Therefore, the rejection of approval on such ground is not proper and can't be sustainable in law.”

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 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), (C) and (D), which read as under :-

(B) By issue of writ, certiorari or order or direction in the like nature, the impugned order dated

28/12/2023 (Exhibit M) passed by the Respondent No.3 Education Officer (Secondary), Zilla Parishad, Dhule may kindly be quashed and set aside.

- (C) By issue of writ of mandamus or order or direction in the like nature, the Respondent No.3 Education Officer (Secondary), Zilla Parishad, Dhule may kindly be directed to grant approval to the post of Petitioner appointed as Shikshan Sevak working with Respondent No.5 school w.e.f. 20/06/2022 to 19/06/2025 and to release arrears of her salary by including her name in Shalarth Pranali through the Respondent No.2 Deputy Director of Education within a period of four weeks.
- (D) By issue of writ of mandamus or order or direction in the like nature, the Respondent No.2 Deputy Director of Education may kindly be directed to grant sanction to include her name in Shalarth I.D. and to see that Petitioner will be paid with her arrears and regular salary.”

7. 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/-