

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2741 OF 2022

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Ganesh Ashok Gurav

... Petitioner

Versus

The State of Maharashtra School Education and
Sports Department & Ors.

... Respondents

.....

Mr. Abhijit Kandarkar a/w Swapnil Lokare for the Petitioner.
Mr. Ramdas Shelake a/w Viashnavi Sheake for the respondents.
Mr. A.A. Naik, AGP for the Respondent - State.

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**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : December 08, 2025.

ORAL ORDER : (Per M.S. Karnik, J.)

1. Heard learned counsel for the petitioner and the learned AGP for the respondent – State.

2. By this petition, the petitioner has prayed for the following substantive reliefs :-

(a) For a writ of certiorari, order direction in the nature of certiorari or any other appropriate writ or direction, calling for the record and proceedings of communication / Order dated 01.11.2021, Outward No. Education/Sec/4118/2021, passed by

respondent No.2 – Education Officer (Secondary) , Zilla Parishad, Satara (Exhibit ‘E’ Colly.) be called for and after examining the legality, validity and propriety thereof, the communication / order dated 01.11.2021, Outward No. Education/Sec/4118/2021, passed by respondent No.2 – Education Officer (Secondary), Zilla Parishad, Satara (Exhibit ‘E’ Colly.) be quashed and set aside; with further direction to grant approval to the promotion of present petitioner as Shikshan Sevak as per proposal submitted by respondents Nos. 3 and 4.”

3. Brief facts of the petition are that the petitioner was appointed as a Peon on 5th August 2002. The petitioner was qualified SSC and approval has been granted to his appointment. The Government issued Resolution dated 10th June 2005. Clause 8 of the said Resolution prescribes for promotion from non-teaching to teaching post of the employees. The petitioner completed M.A., B.Ed., B.Com. Bachelor of Librarian and I.S.C. and MS-CIT during his service. The petitioner was promoted to the post of Shikshan Sevan by the management on the basis of the aforesaid Government Resolution on 1st June 2019. The petitioner’s proposal was sent to the respondent No.2 - Education Officer (Secondary), Zilla Parishad, Satara for approval. The respondent No.2 rejected the proposal for approval on 1st November 2021 without considering the aforesaid Government Resolution as per the submissions of the learned counsel for the petitioner.

4. Learned counsel for the petitioner relied upon the decision of the Nagpur Bench of this Court in **Suhas S/o Rangraoji More Vs. State of Maharashtra & Ors.** in Writ Petition No. 7706 of 2022, dated 21st December 2023 contending that this Court has held that the non-teaching staff shall be promoted to the post of Assistant Teacher and not Shikshan Sevan.

5. Learned AGP, on the other hand, submitted that after the Pavitra Pranali came into effect from the year 2017, the promotion of the petitioner has to be governed by the scheme notified by the State Government in respect of the appointments through Pavitra Portal.

6. In our opinion, the issue involved in the present petition is squarely covered by the decision of this Court in *Suhas s/o Rangraoji More* (supra) decided on 21st December 2023. Paragraph 21 of the said decision, which is relevant reads thus :-

"21. Under the circumstances, it is held that (i) Clause 8 of G.R. dated 10.06.2005, which stipulates promotion of non teaching staff as Shikshan Sevak on payment of honorarium is arbitrary and discriminatory. (ii) The petitioner is entitled to be appointed as Assistant Teacher with the prescribed pay scale at par with pay scale of other similarly placed promotees. (iii) Respondent No.5 Management to modify the appointment order dated 29.10.2021 to the extent of appointing/promoting the petitioner as Assistant Teacher instead of Shikshan Sevak. (iv) Respondent No.5 Management, is directed to submit the

proposal to respondent No.4 for approval of appointment/promotion of the petitioner as Assistant Teacher with pay scale of Assistant Teacher within four weeks from the date of the order. (v) Respondent No.4 to consider the same as expeditiously as possible in any event within four weeks from the date of the receipt of the proposal.

Rule is made absolute in above terms."

7. In light of what is observed by the Nagpur Bench of this Court, the submission of learned AGP that even for the purpose of promotion to a teaching post, the same should be made through Pavitra Portal, is without any basis and hence deserves to be rejected.

8. In this view of the matter, we are inclined to allow this petition in terms of prayer clause (a).

[Ajit B. Kadethankar, J.]

[M. S. Karnik]