

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2834 OF 2025

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|---------------------------------------|-------------------------------|
| 1) Mahesh Arjun Dhage, |] |
| Aged 38 Yrs, Occ. Service, |] |
| R/o. Shivaji Nagar, Mangalvedha, |] |
| Dist. Solapur – 413 305. |] |
| 2) Shikshan Prasarak Mandal, |] |
| Mangalvedha, Dist. Solapur - 413 305, |] |
| Through its President /Secretary. |] |
| | <u>...Petitioners.</u> |

Versus

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| 1) The State of Maharashtra, |] |
| Through the Principal Secretary, Skill |] |
| Development and Entrepreneurship |] |
| Department, Mantralaya, Mumbai – 400 |] |
| 032. | |
| 2) The Joint Director, Vocational Education |] |
| and Training Office, Pune. |] |
| 3) The District Vocational Education and |] |
| Training Officer, Solapur. |] |
| | <u>...Respondents.</u> |

Mr. Sagar Mane a/w. Mr. Rushikesh Jagdale for the Petitioners.
Mr. V.M. Mali, A.G.P. for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.
Date : 10th December 2025.

ORAL JUDGMENT (PER: M. S. KARNIK, J.)

1. The Petitioners have challenged the impugned Order dated 31st July 2024 passed by the Respondent No.3- The District Vocational Education and Training Officer, Solapur, thereby refusing the proposal made by the Respondent No.2-Management for approving the appointment of the Petitioner No.1 as a Full Time Teacher.

2. The facts of the case in brief are as follows:

The Petitioner No.1 is M.Com., B.Ed.. The Petitioner No.2 is an Educational Institution registered under the Maharashtra Public Trusts Act, 1950, running aided school having classes of standards 5th to 12th including Bi-focal M.C.V.C. Section of the Junior College.

3. By the G.R. dated 22nd May 2008 two posts were sanctioned for Bi-focal M.C.V.C. Section viz. one post of Full Time Instructor and one post of Full Time Teacher. Mr. Vanage Prakash Kerba and Mr. Mane Govind Dhondiba were working on the said sanctioned posts. Mr. Vanage attained the age of superannuation on 31st December 2015. On 2nd January 2016, the Petitioner No.2 published advertisement in the newspaper "Mangalvedha Times". In response to the said advertisement, 10 candidates appeared for the interview. After conducting the selection

process, the Petitioner No.1 was appointed as Full Time Teacher for Banking subject with effect from 18th January 2016. A proposal was submitted to the Respondent No.3 by the Management on 26th March 2018 for approval of the appointment of the Petitioner No.1.

4. The proposal was returned on two occasions. Thereafter it was again re-submitted. The Respondent No.3, by the impugned Order dated 31st July 2024, returned the proposal on the ground that, in view of the G.R. dated 30th July 2017 and 4th May 2020, there was no permission to fill up the vacant posts.

5. We have heard learned counsel for the Petitioner. Learned A.G.P argued in support of the impugned Order. However, in our opinion the impugned Order deserves to be set-aside for the simple reason that the appointment of the Petitioner No.1 was made on 16th January 2016, i.e. prior to the issuance of the G.R.s dated 30th July 2017 and 4th May 2020. There is nothing to indicate that the G.R.s dated 30th July 2017 and 4th May 2020 are having retrospective operation. Merely, because the proposal is submitted belatedly and after the G.R.s came into force, cannot be a reason to hold that the G.R.s would govern the proposal in respect of an appointment made prior to the issuance of the G.R.s. The impugned Order deserves to be quashed and set-aside. Ordered accordingly.

6. The Petitioner No.2-Management is directed to resubmit the proposal to the Respondent No.3 within a period of two weeks from today. The said proposal be considered on its own merits and in accordance with law, but not on the ground on which it was rejected, within a period of 12 weeks from the date of receipt of the proposal.
7. The deficiencies, if any in the proposal be communicated to the Petitioner No.2-Management by the Respondent No.3. The Petitioner No.2-Management shall explain / cure the same within a period of two weeks from the date of such communication.
8. In case, the proposal is approved, the Respondent No.2 to issue Shalarth I.D. to the Petitioner No.1 as expeditiously as possible.
9. The Petition stands disposed of in the aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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