

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

WRIT PETITION NO. 6167 OF 2023

Shri Swami Doulatgirji Shikshan Sanstha,
Burli and Others.

...Petitioners.

Versus

The State of Maharashtra and Others.

...Respondents.

*Mr. Chetan Patil, Ms. Siddheshwari R. Chavan and Mr. Prathamesh Magadum i/b
M. G. Bagkar for the Petitioner.
Mr. S. B. Kalel, AGP for the Respondent-State.*

**Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.**

Date : September 18, 2025.

P. C. :

- 1. Rule.** Rule made returnable forthwith and by consent taken up for final disposal.
- 2.** The Petition impugns the order dated 15th September 2022 passed by the Respondent No.3 rejecting the proposal seeking approval to the appointment of Petitioner No.3 as Shikshan Sevak in Petitioner No.2- School.
- 3.** The Petitioner possesses M.A., B.Ed qualification and belongs to Open category. As the post of Shikshan Sevak fell vacant in Petitioner No.2-school, Petitioner Nos.1 and 2 informed Respondent No.3 about the vacancy and requested to take necessary steps to fill up the vacant post. There was no response by the Respondent No.3 and neither

surplus teacher was sent nor any step to fill up the said vacancy through Pavitra Portal was taken.

4. Ultimately, on 5th April 2018, the Petitioner Nos.1 and 2 issued advertisement in newspaper inviting applications from the eligible candidates for filling up the said post of Shikshan Sevak. The Petitioner No.3 being duly qualified, applied in response to the said advertisement and was selected after following due procedure. The Petitioner No.3 was appointed vide appointment order dated 15th June 2018 w.e.f. 15th June 2018. On 10th July 2022, the Petitioner No.2 submitted proposal to the Respondent No.3 seeking approval to the appointment of Petitioner No.3, which came to be rejected by the impugned order.

5. Learned Counsel for the Petitioner submits that the rejection of approval is only on the ground that the appointment of Petitioner No.3 was not done through Pavitra Portal. He submits that the issue is no longer *res integra* and has been settled by the decision dated 23rd April 2025 of by this Court in ***Kalyansing Indrasing Rajput v. State of Maharashtra***¹ where the Co-ordinate Bench of this Court has recorded a factual finding that Pavitra Portal was not functional till June 2024 or even thereafter and as the Petitioner No.1 was appointed with effect from 15th June 2018, the rejection cannot be on the ground that the

1 Aurangabad Bench W.P. 10205 of 2024 decided on 23-4-2025.

appointment was not made through Pavitra Portal.

6. *Per contra* Mr. S. B. Kalel, learned AGP submits that it was pursuant to the directions issued by by this Court at Nagpur Bench in PIL No. 8 of 2014 that online Pavitra Portal was introduced by the State Government vide Government Resolution dated 23rd June 2017. He submits that there could not be any private recruitment process and all educational institutions were legally mandated to upload the recruitment process on SARAL Portal. He submits that subsequent decisions of this Court have also given directions to follow every mandatory procedure of recruitment conditions as per Pavitra Portal. He submits that in view of the decisions of this Court, since the appointment of Petitioner No.3 was through a private recruitment process, has been rightly rejected by the Respondent No.3.

7. There is no dispute about the fact that Petitioner No.3 is duly qualified for appointment to the post of Shikshan Sevak. The rejection of the proposal submitted for approval to the appointment of Petitioner No.3 is on the sole ground that the recruitment process was not done through Pavitra Portal. The issue is no longer *res integra* and has been settled by the decision of Co-ordinate Bench of this Court in ***Kalyansing Indrasing Rajput v. State of Maharashtra*** (supra). There is a factual finding by the Co-ordinate bench that Pavitra Portal was not functional from 2017 until June 2024 and might be even thereafter.

Though Government Resolution dated 23rd June 2017 and judicial decisions mandate the recruitment process to be done through Pavitra Portal in order to afford equal opportunity in employment, due to non functioning of Pavitra Portal at the time when vacancy arose and Petitioner No.3 came to be appointed, proposal submitted by Petitioner Nos.1 and 2 cannot be rejected on the sole ground that the recruitment process was not routed through Pavitra Portal. The impugned order is, therefore, unsustainable and Petition deserves to be allowed.

8. In the light of above, writ petition is allowed in terms of prayer clauses (a) and (b) which reads thus :

“(a) That this Hon'ble Court may be pleased to issue a writ of certiorari thereby quashing and setting aside the impugned Order dated 15th September 2022 (being Exhibit "D" hereto) by Respondent No.3 herein and further be pleased to direct Respondent No.3 to grant approval to the appointment of the Petitioner No.3 as Shikshan Sevak in Respondent No.2 School with effect from 15th June 2018 and as Assistant Teacher with effect from 15th June 2021.

(b) That this Hon'ble Court may be pleased to issue a writ of mandamus thereby directing Respondent No. 2 to enter the name of the Petitioner No.3 in the Shalarth System and issue Shalarth Identity to the Petitioner No. 3 and further be pleased to direct the Respondents to release grant in aid for the payment of monthly honorarium to the Petitioner from 15th June 2018 to 14th June 2021 and salary as per regular pay scale to the Petitioner No. 3 herein from 15th June 2021 onwards with all consequential benefits.

9. Rule is made absolute in above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]