

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6503 OF 2023

Smt. Dipali Annaso Inagle & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

*Mr. Chetan G. Patil, Ms. S. R. Chawan & Mr. Prathamesh Magadum i/by
Mr. Mandar Bagkar for the Petitioners.
Mr. S. B. Kalel A.G.P for the Respondents-State.*

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

Date : 18th September, 2025.

PC :

1. Rule. Rule made returnable forthwith and taken up for final disposal with consent of the parties.
2. The Petition impugns the Order dated 25th November, 2022 passed by the Respondent No.2 - the Education Officer (Secondary), Zilla Parishad, Sangali, rejecting the proposal submitted for seeking approval to the appointment of Petitioner No. 1 as Shikshan Sevak in Petitioner No.3-School.

3. The Petitioner No.1 possesses M.Sc B.Ed qualification and belongs to E.W.S. category. Upon vacancy being created due to retirement of employees working on the post of Assistant Teacher, the Petitioner No. 2 addressed communication dated 27th May, 2022 to the Respondent No. 2 requesting him for permission to issue advertisement and to fill up those vacant post through Pavitra Portal process. The reminder was sent again on 1st July, 2022 seeking permission for issuance of advertisement. There was no response from the Respondent No. 2.

4. The Petitioner Nos. 2 and 3 issued an advertisement for inviting applications for appointment to the vacant post. The Petitioner No.1 being duly qualified applied in response to the said advertisement and was appointed w.e.f. 7th October, 2022. On 1st November, 2022 the Petitioner Nos. 2 and 3 submitted proposal to Respondent No. 2 seeking approval to the appointment of Petitioner No. 1 which has been rejected by the impugned order.

5. Mr. Patil, learned Advocate appearing for the Petitioners submits that the Respondent No. 2 has refused to grant approval principally on the ground that the appointment of the Petitioner No. 1 is not through the Pavitra Portal system. He submits that the other grounds in the impugned order referred to certain deficiencies in the proposal. Pointing out to the impugned order he submits that the reason listed at item nos. 1

and 2 is unsustainable in view of the communication as well as reminders sent seeking permission for issuance of advertisement. He would further submit that the other grounds on which the approval has been rejected is the non submission of the original advertisement, the roster and muster as well as proposal not having been submitted within time. He submits that in so far as the grounds of non submission of the documents along with the proposal is concerned, the same is factually erroneous as the documents were duly submitted along with proposal. He points out to roster which is at page 26 of the Petition showing clear vacancy in the E.W.S. category. He submits that the muster was also submitted along with the proposal as there is checklist of documents which has to be complied with before the proposal can be accepted. He submits that irrespective of the same, if the Respondent No.2 was not satisfied with the document submitted along with the proposal the appropriate course would have been to call upon the Petitioner Nos. 2 and 3 to submit requisite documents and the proposal could not be rejected on such technical grounds. He submits that in so far as the rejection on the ground of Pavitra Portal is concerned issue stands settled by the decision dated 23rd April 2025 of this Court (*Aurangabad Bench*) in the case of *Kalyansing Indrasing Rajput Vs. The State of Maharashtra, Through its Principal Secretary (Writ Petition No. 10205 of 2024)*.

6. Mr. Kalel, learned A.G.P. would support the impugned Order and would oppose the Petition by contending that the non submission of the requisite document and appointment not having been done through Pavitra Portal constitutes valid ground for rejection of the proposal.

7. There is no dispute about the fact that the Petitioner No. 1 was duly qualified for appointment of the post of Shikshan Sevak. One of the grounds of rejection of the proposal was for the reason that the recruitment process was not through the Pavitra Portal, which issue has been set to rest by the decision of Co-ordinate Bench in the case of *Kalyansing Indrasing Rajput Vs. The State of Maharashtra (supra)*. A Co-ordinate Bench has held that there is no factual dispute that from 2017 onwards until June-2024 and might be even thereafter the Pavitra Portal was not functional. In the present case there is no material which has been placed on record to dispute the factual finding of the Co-ordinate Bench that the Pavitra Portal was non functional atleast until June-2024.

8. The Petitioner No. 1 has been appointed on 7th October, 2022 that is during the period that the Pavitra Portal were not functional. The said ground is therefore not available for the Respondent No. 2 for rejecting the proposal. In so far as the other grounds of rejection due to non submission of the requisite documents, there is specific pleading that the documents were duly submitted along with the proposal. At page 26 the

roster is annexed, which shows a clear vacancy in E.W.S. category. As far as, the muster is concerned it is specifically pleaded that the same was duly submitted along with the proposal. The submission of Mr. Patil that at the time of submitting the proposal there is checklist of documents and without the requisite documents being annexed to the proposal, the proposal is not accepted has not being disputed by learned AGP. From the documents placed on record, we are satisfied that the requisite documents were submitted alongwith the proposal. Even if the Respondent No. 2 was not satisfied with the documents submitted, the appropriate course would have been to call upon the Petitioner Nos. 2 and 3 to rectify the deficiency. For non submission of requisite documents the proposal could not have been rejected without giving an opportunity to the Petitioner Nos. 2 and 3 to cure the deficiencies. The Petitioner was appointed on 7th October, 2022 and the proposal was duly submitted on 1st November, 2022 and hence the Respondent No. 2 has factually erred in holding that the proposal is not submitted within time.

9. In light of the above discussion, we allow the Writ Petition in terms of prayer clause (a) and (b), which reads as under :

“(a) That this Hon’ble Court may be pleased to issue an appropriate writ, order or direction in the nature of writ thereby quashing and setting aside the impugned order dated 25-11-2022 issued by Respondent No. 2 herein and further be pleased to direct Respondent No. 2 herein

to forthwith grant approval to the appointment of Petitioner No. 1 as a Shikshan Sevak with effect from 07-10-2022.

(b) That this Hon'ble Court may be pleased to issue an appropriate writ, order or direction in the nature of writ thereby directing Respondent No. 3 herein to enter the name of the Petitioner no. 1 in Shalarth Pranali and issue Shalarth I.D. to the Petitioner no. 1 and further be pleased to direct Respondent Nos. 1, 2 and 5 herein to release grant in aid for the payment of honorarium/salary to the Petitioner No. 1 with effect from 07-10-2022 with all consequential benefits."

10. Rule is made absolute in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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signed by
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SHUBHAM
ASHOKRAO
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