

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

WRIT PETITION NO. 5183 OF 2022

Uday Sambhaji Jadhav

... Petitioner

Versus

The State of Maharashtra, Through the Principal
Secretary, Dept. fo School Edu. and Ors.

... Respondents

.....
Mr. Sachin Madhav Bhavar for the Petitioner.
Mr. Dilip Shinde, for the Respondent Nos. 4 and 5.
Mr. V.M. Mali, AGP for the Respondent - State.
.....

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

Date : November 19, 2025.

ORAL JUDGMENT :- (Per M.S. Karnik, J.)

1. Rule. Rule made returnable forthwith and by consent taken up for the final disposal.

2. By way of the present petition, the petitioner challenges the impugned order dated 26th July 2021 by respondent No.3 – Education Officer (Secondary) for appointment of the petitioner on the post of Librarian in the respondent No.5 – High School and Junior College. The petitioner is also seeking direction to the respondent no.3 to grant

approval to the appointment of the petitioner on the post of Librarian.

The respondent No.5 is fully aided school.

3. The facts and case in brief are that after the retirement of the then incumbent employee on 31st May 2021, by letter dated 12th March 2021, the respondent No.4 requested respondent No.3 for permission to issue an advertisement for the post of Librarian but there was no response on the part of the respondent No.3. Thereafter, in the interest of the students of the school, the Management issued an advertisement dated 11th May 2021 in Marathi newspaper "Agradoot" for the post of full time Librarian in open category. Thereafter, as per the advertisement, the petitioner applied for the post as the petitioner had requisite qualification. After following the procedure, the petitioner was found most eligible candidate. Respondent no.5 selected the petitioner and appointed him on the post of Librarian.

4. Respondent no.5 issued the appointment letter dated 1st June 2021. The petitioner joined the post on 1st June 2021. On 9th June 2021, the respondent No.5 submitted the proposal to the respondent no.3 seeking approval to the appointment of the petitioner on the post of Librarian.

5. Despite necessary compliance by respondent No.5, respondent No.3 has passed the impugned order refusing to grant approval for the appointment of the petitioner on the post of Librarian, relying on the G.R. dated 4th May 2020 issued by the Finance Department, State of Maharashtra.

6. Learned AGP argued in support of the impugned order. Learned AGP submitted that the said appointment was during the ban period and, therefore, the Education Officer was justified in refusing to grant approval.

7. The issue raised in the petition is squarely covered by the decision of this Court in ***Balasaheb Laxman Salunkhe Vs. State of Maharashtra & Ors.*** decided on 18th September 2025 in Writ Petition No. 6786 of 2024. Paragraph 9 of the said decision, reads thus :-

“9. Insofar as the second ground of appointment being made during the period of ban on recruitment imposed by Government Resolution dated 4th May 2020 is concerned, it is important to note that ban came to be imposed during Covid pandemic in order to ensure the finances of State Government are not strained by making fresh appointments. Learned Counsel for the Petitioner, on instructions, would submit that the Petitioner and Management will not claim salary or any other monetary benefits for the period 16th June 2022 till 1st November 2022, i.e., the date when the ban was lifted by State Government. In view of the said submission, the purpose of imposition of ban on recruitment is duly served as there will be no financial burden on the State Exchequer.”

8. Learned counsel for the petitioner submits that the petitioner or for that matter the Management, will not claim salary or any other monetary benefits during the period of ban. Thus, there will be no financial burden on the State Exchequer.

9. In light of the said submission, the proposal for appointment of the petitioner can be approved subject to the condition that the petitioner / Management will not claim salary or any other monetary benefits from the State Government during the ban period till 1st November 2022.

10. In light of the above, the writ petition succeeds. The impugned order dated 19th July 2021 is hereby quashed and set aside.

11. The respondent No.3 is directed to grant approval to the appointment of petitioner on the post of Librarian / Shikshan Sevak w.e.f. 1st June 2021. The consequential benefits to be paid to the petitioner from 1st November 2022 onwards by the State Government. It will be the obligation of the Management to make the payment of salary and other benefits to the petitioner during the period of ban. The Management School as well as the petitioner to file undertaking

that they will not claim salary or any other monetary benefits during the period of ban from the State Government. Undertaking to be filed within 2 weeks.

12. Once the proposal is forwarded by the Education Officer to the Deputy Director of Education which should be done within 6 weeks, Shalarth ID be issued to the petitioner by the Deputy Director of Education.

13. Rule is made absolute in the above terms.

l [Ajit B. Kadethankar, J.]

[M. S. Karnik]