

Shailaja

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

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.835 OF 2024**

|                                            |   |             |
|--------------------------------------------|---|-------------|
| Malgund Education Society, Malgund         | ] |             |
| through Its President/Secretary and others | ] | Petitioners |
| versus                                     |   |             |
| The State of Maharashtra through the       | ] |             |
| Secretary School Education and Sports      | ] |             |
| Department, Mantralaya, Mumbai and others  | ] | Respondents |

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Mr. Prashant Bhavake, for Petitioners.

Ms. T.J. Kapre, A.G.P, for Respondent – State.

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**CORAM : M.S. KARNIK &  
SHARMILA U. DESHMUKH, JJ**

**DATE : 16<sup>th</sup> SEPTEMBER, 2025.**

**P.C:**

1. Heard Mr. Bhavake, learned Counsel for the Petitioners and Ms. Kapre, learned A.G.P, for Respondents – State.

2. Petitioner No.3 was appointed as “Shikshan Sevak” with effect from 27<sup>th</sup> June, 2016 with Petitioner No.2 – Baliram Parkar Vidyalaya, Malgund run by Petitioner No.1 – Malgund Education Society. Petitioner No.3 was appointed prior to introduction of Pavitra Portal which was mandated vide Government Resolution dated 23<sup>rd</sup> June, 2017. As per the said Government Resolution, the appointments were to be made through Pavitra Portal. However, Pavitra Portal was not functioning at the time of appointment of

Petitioner No.3. So far as Petitioner No.3's case for grant of approval is concerned, no proposal was submitted by Petitioners No.1 and 2 – Management to the Education Officer (Secondary) i.e Respondent No.5 – The Education Officer (Secondary) Zilla Parishad, Ratnagiri.

3. State Government issued Government Resolution dated 10<sup>th</sup> June, 2022 for grant of individual approval and for inclusion of name in Shalarth Pranali. Reason for issuance of the Government Resolution was that there were several proposals for approval of appointment of those Shikshan Sevak prior to the Government Resolution dated 23<sup>rd</sup> June, 2017, which had not been forwarded for approval. The State Government, therefore, took a decision vide clause 1.4 of the Government Resolution dated 10<sup>th</sup> June, 2022 fixing time limit for submitting proposal within a period of three months from the date when concerned Management is informed by the Education Officer/Inspector to forward such proposals.

4. So far as Petitioner No.3's case is concerned, Respondent No.5 - Education Officer (Secondary) informed the Petitioners No.1 and 2 – Management to forward the proposal within a period of three months from the date of communication dated 4<sup>th</sup> July, 2022. Petitioner No.2 forwarded the proposal for approval of the appointment of Petitioner No.3 as "Shikshan Sevak" by a communication dated 4<sup>th</sup> October, 2022 which was received by the Office of Education Officer on 6<sup>th</sup> October, 2022. Since there was a delay of

two days in forwarding the proposal, approval to the appointment of Petitioner No.3 was not granted.

5. Learned A.G.P vehemently opposed the Petition. It is submitted that Petitioners No.1 and 2 – Management has failed to adhere to the time limit prescribed by the Government Resolution. It is submitted that specific communication was sent by the Education Officer to Petitioner No.1 – Institution informing that all proposals of such nature to be sent within a period of three months as required by the Government Resolution. Having failed to do so, learned A.G.P submitted that no fault can be found in the approach of the Education Officer (Secondary) in not considering the proposal which was submitted beyond the time prescribed by the Government Resolution.

6. No doubt, there is some delay on the part of the Petitioners No.1 and 2 – Management in forwarding the proposal of Petitioner No.3 for approval. Delay at the highest side is of two days. Date of proposal is 4<sup>th</sup> October, 2022 which was within time stipulated by the Government Resolution. Delay is not such that any prejudice would be caused to the Respondents. It is not the case of the respondents that there is any misrepresentation or some illegality in the proposal made for the approval. In the facts of the present case, therefore, Petitioner No.3 should not be made to suffer, if at all, there was any delay on the part of Petitioners No.1 and 2 – Management in submitting the proposal and that too, when the delay is not such that it would cause any prejudice or put unwarranted implications on the Respondents.

7. The only reason as to why Petitioner No.3's proposal is not considered is because of delay of two days.

8. In this view of the matter, we direct Respondent No.5 - Education Officer (Secondary) Zilla Parishad, Ratnagiri to consider the proposal on merits and the proposal at Page 55 of the Petition should not be rejected on the ground of delay. The proposal to be considered within a period of eight weeks from the date of communication of this order. If there are any deficiencies in the proposal, Respondent No.5 - Education Officer (Secondary) to give an opportunity to Petitioners No.1 and 2 – Management to cure the same. In case approval is granted, Shalarth I.D be issued to the Petitioner expeditiously.

9. The Petition is disposed of. No order as to costs.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]