

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2869 OF 2024

Jijamata Shikshan Prasarak Mandal & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Prashant Bhavake for the Petitioners.

Mr. V.M. Mali, A.G.P. for the Respondents-State.

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

Date : 29th September 2025.

ORDER (Per : Sharmila U. Deshmukh, J.)

- 1.** Heard Mr. Bhavake, learned counsel appearing for the Petitioners and Mr. Mali, learned A.G.P. appearing for the Respondents-State.
- 2.** The Petition questions the Order dated 18th January 2023 passed by the Respondent No.5-Education Officer, rejecting the proposal submitted by the Petitioner Nos.1 & 2 seeking individual approval to the appointment of Petitioner No.3 in the unaided post of Assistant Teacher. The impugned Order rejects the proposal on the ground of non compliance with the Government Resolution (G.R.) dated 10th June 2022.
- 3.** Mr. Bhavake, learned counsel appearing for the Petitioners submits

that the Petitioner No.3 came to be appointed on 1st June 2016 and thereafter by the G.R. of 10th June 2022 the appointment to which the approvals are not yet granted were directed to be submitted within a period of three months from the date of issuance of the letter by the Education Officer. He submits that the Education Officer issued letter on 4th July 2022. The period of three months expired on 3rd October 2022, whereas the proposal came to be submitted on 6th January 2023. He submits that the Petitioner has been working on the said post since the year 2016 and the delay is of three months, which ought to have been condoned. He submits that the impugned Order does not take this fact into consideration and by imposing appropriate conditions for the delayed submission, the approval ought to have been granted.

4. Learned A.G.P. would support the impugned Order and would draw the attention of this Court to the various clauses of the G.R. dated 10th June 2022. He submits that the G.R. specifically directed the submission of the proposal within a period of three months which was not done in the present case, resulting in the impugned Order.

5. We have considered the submissions and perused the G.R. dated 10th June 2022. It is not disputed that the Petitioner has been appointed in the year 2016 in the post of Assistant Teacher and since then has been working on the said post. The appointment was prior to the introduction

of Pavitra Portal and by the G.R. dated 10th June 2022, the appointments to which the approvals are not yet granted were directed to be submitted within three months from the date of issuance of letter by the Education Officer. The communication was issued by the Education Officer on 4th July 2022. It is default on the part of the Management in delaying the submission of the proposal as directed by the communication of 4th July 2022, which cannot be to the detriment of the Petitioner No.3, who has been working on the said post since 2016.

6. Accordingly the Petition can be disposed of by directing the Respondent No.5-Education Officer to consider the proposal submitted by the Petitioner Nos.1 & 2 seeking approval to the appointment of the Petitioner No.3 without considering the delay of 3 months. The proposal to be decided on its own merits, without being influenced by the earlier order rejecting the approval on the ground of delay. The proposal to be decided expeditiously and in any event, within a period of 12 weeks from the communication of present order.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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