

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16493 OF 2024

Baba Bapu Masal] Petitioner

versus

The State of Maharashtra and others] Respondents

....

Mr. Satish Raut (through V.C.) a/w Mr. Shravan Sul, for Petitioner.

Mr. Siddheshwar B. Kalel, A.G.P, for Respondent – State.

....

CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.

DATE : 2nd DECEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. Heard Mr. Raut, learned Counsel for the petitioner and Mr. Kalel, learned A.G.P for respondent – State.

2. Learned A.G.P opposed the petition inviting our attention to the impugned order dated 20th December, 2023. Learned A.G.P submitted that since appointment of the petitioner was not made through Pavitra Portal Pranali, Management's request for grant of individual approval to the

petitioner's appointment as "Shikshan Sevak" was rightly rejected by respondent No.3 – The Education Officer (Secondary) Zilla Parishad, Satara. It is further submitted that the roster point has not been verified and also in view of the Government Resolution dated 6th December, 2012, the petitioner is not entitled to get his appointment approved.

3. The petitioner was appointed vide appointment letter dated 11th June, 2016 with effect from 15th June, 2016 as "Shikshan Sevak" in the vacant post in respondent No.5 – Shri Mahalaxmi Vidyalay, Andali (for short "School"). We have perused the pleadings in the petition. In paragraph 4, it is stated that respondent No.5 – School has sanctioned post of Shikshan Sevak. One post of Shikshan Sevak became vacant in respondent No.5 – School from 2016-2017 for 9th and 10th standard. The Staff approval of respondent No.5 – School for the year 2016-2017 is produced on record. The said staff approval clearly reveals that there are eight sanctioned teaching posts. There is strength of seven working teaching staff as on 1st October, 2016. In such view of the matter, one post was clearly vacant in the School to which the petitioner was appointed. The affidavit-in-reply filed by the Education officer and the impugned order do not deal with such contention of the petitioner in paragraph 4.

4. No doubt, proposal was submitted on 2nd November, 2023. However, the said proposal was in respect of the appointment of the petitioner which was made on 15th June, 2016. Pavitra Portal became functional vide Government

Resolution dated 23rd June, 2017. Hence, so far as appointment of the petitioner is concerned, which was prior to coming into force the Pavitra Portal, there was no requirement of the Management following due procedure prescribed in the Government Resolution dated 23rd June, 2017.

5. The next reason is that the Government Resolution dated 10th June, 2022 has been violated. It is not in dispute that the proposal has been submitted on 2nd November, 2023 in respect of appointment of the year 2016. Therefore, there is no question of applying the Government Resolution dated 10th June, 2022 retrospectively. Rejection of the proposal on the second ground is also, therefore, unjustified.

6. The third ground on which the proposal is rejected is that the Government Resolution dated 6th December, 2012 regarding roster point has not been followed. We find that in terms of the Staffing Pattern, there is one post available for the open category which is filled in by appointing the petitioner. In such view of the matter, there is no question of violation of the roster. The impugned order, therefore, deserves to be quashed and set aside, hence quashed and set aside.

7. Respondent No.3 – Education Officer (Secondary) Zilla Parishad, Satara is directed to grant individual approval to the appointment of the petitioner in the post of “Shikshan Sevak” with effect from 15th June, 2016 for a

period of three years and thereafter to the post of “Assistant Teacher”. Salary as well arrears be paid to the petitioner. Such exercise be carried out by respondent No.3 – Education Officer (Secondary) Zilla Parishad, Satara within twelve weeks from the date of communication of this order. After grant of individual approval to the appointment of the petitioner, Shalarth ID be issued by the Deputy Director expeditiously.

8. The petition is disposed of in the aforesaid terms.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]