

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

WRIT PETITION NO. 12337 OF 2023

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Smt. Anuja Babu Kamble

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....
Mr. Prashant Bhavake for the Petitioner.
Ms. T.J. Kapre, AGP for the Respondent - State.
.....

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

Date : December 17, 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. Learned AGP invited our attention to the impugned order, which is at page No.67 of the paper book and argued in support.
3. However, we find that the impugned order is passed without granting any opportunity to the Management to cure / explain the deficiencies mentioned in item nos. 1 to 5 in the impugned order. The impugned order passed is against the principles of natural justice and hence, the same deserves to be quashed and set aside.

4. The impugned order be treated as show-cause notice to the petitioner and the respondent – Management.

5. So far as item nos. 1 to 5 are concerned, the Management to submit an explanation / cure the deficiencies mentioned in the order dated 9th December 2022, which is at page 67 of the paper book, within a period of 12 weeks from the date of communication of this order. The Education Officer, Z.P. Ratnagiri to take fresh decision on the proposal after considering the proposal of the management on its own merits and in accordance with law.

6. The reason why we hold the ground mentioned at item no.5 of the impugned order as unsustainable is that, the process for appointment of the petitioner as a Shikshan Sevak started much prior to the commencement of the Pavitra Pranali. No doubt, the appointment of the petitioner was made on 27th June 2017 after the Pavitra Pranali was implemented. The petitioner is duly qualified to be appointed as Shikshan Sevak, belonging to the Scheduled Caste category. Due to retirement of Assistant Teacher on 31st May 2017, the post of Shikshan Sevak became vacant at the respondent No.7 – Secondary School. The respondent No.6 – Educational Institution approached the office of the respondent No.5 – Education Officer to

ascertain whether any suitable surplus Shikshan Sevak was available for absorption on the said post of Shikshan Sevak. However, no suitable surplus Shikshan Sevak was available with the respondent No.5 – Education Officer and in any case, there was no response from the respondent No.5 - Education Officer to the request made. The Management was left with no alternative but to publish the advertisement. An advertisement therefore was published in daily newspaper “Ratnagiri Express” for the recruitment in the post of Shikshan Sevak at the respondent No.7 – Secondary School. The petitioner applied for that post and remained present for the interview. The School Committee of the respondent No.7 – Secondary School passed resolution and appointed the petitioner as Shikshan Sevak on 27th June 2017. Accordingly, the petitioner joined the post on 27th June 2017.

7. The impugned order does not record that despite availability of surplus teacher, the Management still proceeded to appoint the petitioner. In such view of the matter, as we are of the opinion that the process was initiated for the appointment of the Shikshan Sevak before the Pavitra Pranali was implemented, the reason for rejection in item No.5 of the impugned order is unsustainable.

8. The Writ Petition is disposed of in the above terms.
9. In case the respondent No.5 - Education Officer approves the appointment of the petitioner as Shikshan Sevak, the Deputy Director of Education to include the name of the petitioner in Shalarth ID expeditiously.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]