

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

WRIT PETITION NO. 13961 OF 2024

Mahadev Aba Survase

... Petitioner

Versus

The State of Maharashtra And Ors

... Respondents

*Adv. Suchita J. Pawar a/w Mr. Sanjeev B. Deore (On VC) for the Petitioner.
Mr. R. P. Kadam, 'B' Panel Counsel, AGP for the Respondent-State.*

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

Date : December 12, 2025.

ORAL ORDER: (PER: M. S. Karnik, J.)

1. Heard learned Counsel for the Petitioner.
2. The Petitioner has filed the present Petition challenging the order dated 14th September 2023 passed by Respondent No. 2-Divisional Chairman, which rejected the proposal for 20% grant. The rejection was on the ground that the Petitioner's appointment dated 21st June 2018 occurred one day after the establishment of the Pavitra Portal on 20th June 2018 through a Government Resolution. Consequently, the Petitioner was denied grant of approval.

3. The Respondent No. 5-Management, in their letter dated 11th January 2014, clarified that the Pavitra Portal is not applicable to the Petitioner, as the recruitment process had commenced well before the establishment of the Portal. Despite this clarification, no response has been received to the said letter from the concerned authority.

4. It is pertinent to note that by order dated 26th April 2019, Respondent No. 3-Deputy Director, Pune Divisional Office had granted approval for the Petitioner's appointment. Accordingly, a proposal was submitted to Respondent No. 2-Divisional Chairman, Higher Secondary, Pune Divisional Office to include the Petitioner's name in the Shalarth Pranali. However, by the impugned order dated 14th September 2023, the proposal was rejected solely on the ground that the Petitioner's appointment was made one day after the Pavitra Portal came into effect.

5. Mr. Kadam, learned AGP appeared for the Respondent-State and argued in support of the impugned order.

6. Our attention is invited by the learned Counsel for the Petitioner to the decision of this Court (Principal Seat) in ***Welcome Augusten Mascaren vs. The State of Maharashtra***, Writ Petition No. 11683/2019, decided on 17th December 2020. The relevant paragraphs of reads thus:

"10. It is not in dispute that the advertisement was issued by the management on 13th May, 2010, however the appointment was made on 15th June, 2012. The said

appointment was already approved by the Education Inspector on 12th March, 2013. The petitioner was thereafter made permanent as Junior Clerk on 27th June, 2015 which appointment was approved by the Education Inspector on 30th November, 2017.

11. The Division Bench of this Court in case of Smt. Munoli Rajashri Karabasappa (supra) has considered the Government Resolution dated 2nd May, 2012 by which the State Government has imposed the ban on recruitment of Assistant Teacher till there was 100% absorption of the surplus teachers. The said ban was however subsequently withdrawn by Government Resolution dated 4th September, 2013, insofar as subjects of English, Maths and Science are concerned.

11. This Court in the said judgment has held that the State Government had released the ban by Government Resolution dated 4th September, 2013 where the selection process had already commenced on 6th September, 2012. In the backdrop of these facts, this Court accordingly directed the Education Officer to examine independent cases and grant approval where the recruitment process was already commenced prior to the Government Resolution dated 2nd May, 2012.

12. In our view, the principles laid down by this Court in the said judgment in case of Smt. Munoli Rajashri Karabasappa (supra) can be extended to the case of non-teaching staff also. Since the recruitment process had already started by issuing an advertisement as far back as on 13th May, 2010, though the appointment was made on 15th June, 2012, the judgment of this Court in case of Smt. Munoli Rajashri Karabasappa (supra) would apply to the facts of this case also. In our view, Mr. Thorat, learned AGP could not distinguish the said judgment of this Court in the facts of this case."

7. In the present case, it is seen that the recruitment process commenced well before the Pavitra Pranali came into existence.

In view of this, the proposal should not have been rejected solely on the ground that the Petitioner's appointment was after the Portal became effective. Furthermore, once the Education Officer has granted approval, there was no justification for Respondent No. 5 to reject the proposal for including the Petitioner's name in the Shalarth Pranali.

8. The impugned order dated 14th September 2023 deserves to be quashed and set aside and is accordingly quashed and set aside.

9. Writ Petition is allowed in terms of prayer clause (a) and (b) which reads thus:

"a) This Hon'ble Court be pleased to exercise the jurisdiction vested in it under Art 226/227 of Constitution of India and after going into the legality and validity of the Order/letter/communication dated 14.09.2023 of Respondent No-2 be pleased to quash and set aside the Order/letter/communication dated 14.09.2023.

b) This Hon'ble Court be pleased to exercise the jurisdiction vested in it under Art 226 of Constitution of India and be pleased to direct the Respondent No-2 to create the shalarth id of the Petitioner and release his monthly wages including the back wages all with all consequential benefits."

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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ASHOKRAO
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