

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

WRIT PETITION NO. 11192 OF 2025

Shubhangi Sopan Shirke

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

*Satish Raut and Aarya U. Ambulkar for the Petitioner.
S. B. Kalel, AGP for the Respondent-State.*

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

Date : September 18, 2025.

P. C. :

- 1. Rule.** Rule made returnable forthwith and by consent taken up for final disposal.
- Petition impugns the order dated 24th March 2022 passed by the Respondent No.3 rejecting the proposal seeking approval to the appointment of Petitioner as Shikshan Sevak in the Respondent No.5 - School.
- As one post of Assistant Teacher fell vacant in the Respondent No.5-school in the year 2023-24, the Respondent No.5 addressed communication dated 25th April 2023 to the Respondent No.3 requesting for surplus teacher. There was no response by the Respondent No.3. The Respondent No.5 addressed another

communication dated 10th May 2023. There was no response even to the said communication seeking permission for issuance of advertisement through Pavitra Portal. Ultimately, on 4th June 2023, the Respondent No.4 issued advertisement in newspaper, namely, “Damaji Express” inviting applications from eligible candidates.

4. The Petitioner being duly qualified, applied in response to the advertisement and was selected after following due procedure. The Petitioner was appointed vide appointment order dated 12th June 2023 w.e.f. 15th June 2023. On 30th January 2025, the Respondent No. 5 submitted proposal to the Respondent No.3 seeking approval to the appointment of Petitioner, which came to be rejected by the impugned order.

5. Learned Counsel for the Petitioner submits that the rejection of approval is only on the ground that the appointment of Petitioner was not done through Pavitra Portal. He submits that the issue is no longer *res integra* and has been settled by the decision dated 23rd April 2025 of by this Court in ***Kalyansing Indrasing Rajput v. The State of Maharashtra***¹ where the Co-ordinate Bench of this Court has recorded a factual finding that Pavitra Portal was not functional till June 2024 or even thereafter and as Petitioner No.1 was appointed with effect from 17th August 2023, the rejection cannot be on the ground that the

1 Aurangabad Bench W.P. 10205 of 2024 decided on 23-4-2025.

appointment was not made through Pavitra Portal.

6. *Per contra* Mr. S. B. Kalel, learned AGP submits that it was pursuant to the directions issued by by this Court at Nagpur Bench in PIL No. 8 of 2014 that online Pavitra Portal was introduced by the State Government vide Government Resolution dated 23rd June 2017. He submits that there could not be any private recruitment process and all educational institutions were legally mandated to upload the recruitment process on SARAL Portal. He submits that subsequent decisions of this Court have also given directions to follow every mandatory procedure of recruitment conditions as per Pavitra Portal. He submits that since the appointment of Petitioner was through private recruitment process, the proposal has been rightly rejected by Respondent No.3.

7. There is no dispute about the fact that Petitioner is duly qualified for appointment to the post of Assistant Teacher. The rejection of the proposal submitted for approval to the appointment of Petitioner is on the sole ground that the recruitment process was not done through Pavitra Portal. The issue is no longer *res integra* and has been settled by the decision of the Co-ordinate Bench of this Court in ***Kalyansing Indrasing Rajput v. The State of Maharashtra*** (supra). There is a factual finding by the Co-ordinate bench that Pavitra Portal was not functional 2017 onward until June 2024 and might be even

thereafter Pavitra Portal was not functional. Though Government Resolution dated 23rd June 2017 and judicial decisions mandate the recruitment process to be done through Pavitra Portal in order to afford equal opportunity in employment, due to non functioning of Pavitra Portal at the time when vacancy arose and Petitioner came to be appointed, the approval of Petitioner cannot be rejected on the sole ground that the recruitment process was not routed through Pavitra Portal.

8. In the light of above, writ petition is allowed in terms of prayer clauses (a) and (b) which reads thus :

“(A) Call for relevant record and papers from the office of the Respondent No.3 and after going through the same quash and set aside the impugned communication/letter dated 24.03.2025, issued by the Respondent No.3 and for that purposes issue appropriate writ and/or order.

(B) Direct the Respondent No.3 to grant approval to the Petitioner's appointment to the post of Shikshan Sevak with effect from her appointment dated 15.06.2023, along with all consequential benefits including salary and for that purposes issue appropriate writ and/or order.”

9. Rule is made absolute in above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]