

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

WRIT PETITION NO.16010 OF 2024

Vishnu Purshottam Ghogale and Ors. .. Petitioners

Versus

The State of Maharashtra
Through Secretary, Education Dept.,
Mantralaya, Mumbai and Ors. .. Respondents

Mr.Ajay Joshi a/w. Krithika, Advocate for the Petitioner.
Mr.P.J. Gavhane, AGP for Respondent – State.

**CORAM: SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATED : 22nd JULY, 2025.

P.C.:

The petitioner no.1 who was appointed as Shikshan Sevak is aggrieved by the order dated 4th August 2023 by which the respondent– authority declined to enter his name in Shalarth I.D. The petitioner no.2 who is the Principal of Shree Datta Vidya Mandir & Junior College and the petitioner no.3 who is the Secretary of Shree Dadasaheb Somdale Shikshan Prasarak Mandal, Pandharpur, District–Solapur have joined together to espouse the cause of the petitioner no.1. They are also laying a challenge to the order dated 4th August 2023.

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2. This is not in dispute that the petitioner no.1 was appointed as 'Shikshan Sevak' and the respondent-authority had issued a communication dated 1st July 2021 *vide* Annexure-'K' at running page 37 of the paper book where under the petitioner no.2 college was included in the list of colleges which were entitled for 20% grant-in-aid; at serial no. 145. This communication was issued in tune with the Government order dated 15th February 2021 which lays down the procedure for grant-in-aid to the colleges like the petitioner no.2. The petitioners have produced a copy of the communication dated 19th May 2022 through which the proposal for three Shikshan Sevaks including the petitioner was forwarded for entering their names in Shalarth I.D. Notwithstanding the Government Order dated 19th August 2019, a decision was taken on 04.08.2023 by the respondent No.3, not to enter the petitioner's name in Shalarth I.D. ignoring the approval order dated 19th August 2019 and the proposal dated 19.05.2022. The learned counsel for the petitioners has referred to an order dated 28th November, 2024 passed by the co-ordinate Bench in *Writ Petition No.14649 of 2024* titled "*Vijay Dattatraya Pandit & Ors. Vs. State of Maharashtra and Ors.*" to lay to support this writ petition. On the other hand, whereas this is not disputed by Mr.Gavhane, the learned AGP for the respondent-State that the order dated 28th November, 2024 passed in "*Vijay Dattatraya Pandit*" (*supra*) covers the legal issue raised in this writ petition but he contended that the petitioner no.1 may not be entitled for a similar relief because there were irregularities committed by the Management in appointing him as Shikshan Sevak.

3. In the first place, we would indicate that in “*Vijay Dattatraya Pandit*” (*supra*) a similar objection was taken on behalf of the respondent–authority and same has been rejected by the Court. In fact, the decisions in “*Ganesh Sidhant Khilare Vs. The State of Maharashtra and Ors.*” and “*Ashwini Yogesh Shete Vs. State of Maharashtra and Ors.*” have been followed by this Court in “*Vijay Dattatraya Pandit*” (*supra*). In the case of “*Mrs. Shivanees Prasanna Deshpande Vs. The State of Maharashtra and Ors. and connected matters*”, wherein in paragraph no.6 this Court made the following observations:

“6.....

By now, it is settled principle of law that unless the power of review is specifically or by necessary implication provided, the authority cannot review its own order. No doubt, if an order is obtained by exercising fraud, it would stand vitiated. However, it is not the case of the Respondent–Education Officer that Petitioners have obtained their initial orders by fraudulent means. If the earlier Education Officer had granted approval to the Petitioners’ appointment, may be erroneously, the same cannot be made a ground to recall the same and pass contrary order, unless a case of fraud misrepresentation or suppression is made out. Particularly when most of the Petitioners have already put in their services for 11 years, the impugned orders would amount to penalising them for no fault on their part.”

4. From the aforesaid decisions of this Court, this is quite clear that a consistent view has been taken by this Court that once a decision was taken to enter the name of the Shikshan Sevak in Shalarth I.D. the same cannot be reviewed by the authority in a subsequent year. We may further indicate that no allegation of fraud or misrepresentation has been levelled against any of the petitioners. This is also not in dispute that the previous sanction issued in favour of the petitioner no. 1 was in consonance with the applicable Government Order / Resolution etc. Therefore, we are not inclined to call upon the respondents to file their affidavit-in-opposition and following the decisions in “*Vijay Dattatraya Pandit*”, “*Ganesh Sidhant Khilare*”, “*Ashwini Yogesh Shete*” and “*Mrs. Shivaneer Prasanna Deshpande*”, we issue a direction to the respondent no.3 to enter the name of the petitioner no. 1 in Shalarth I.D.

5. Consequently, the order dated 4th August 2023 is quashed and the writ petition is allowed to this extent.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]