

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11507 OF 2025

District: Solapur

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|----|---------------------------------------|---|-----------------|
| 1. | Shri Nayan Vishnu Aldar |] | |
| | Age 27 Years, Occupation Service, |] | |
| | R/o. A/P. Junoni, Taluka : Sangola, |] | |
| | District : Solapur. |] | |
| 2. | Shree Siddhanath Shikshan Prasarak |] | |
| | Mandal, Junoni, |] | |
| | Taluka : Sangola, District : Solapur, |] | |
| | Through its President / Secretary. |] | |
| 3. | Junoni Vidyalay, Junoni, |] | |
| | Taluka : Sangola, District : Solapur, |] | |
| | Through its Head Master. |] | ... Petitioners |

Versus

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|----|---|---|
| 1. | The State of Maharashtra |] |
| | Through the Secretary, |] |
| | School Education and Sports Department, |] |
| | Mantralaya, Mumbai – 400 032. |] |
| 2. | The Commissioner of Education |] |
| | School Education Department, |] |
| | Maharashtra State, Pune. |] |
| 3. | The Director of Education, |] |
| | (Secondary and Higher Secondary), |] |
| | Maharashtra State, Pune – 1. |] |

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|----|---|---|-----------------|
| 4. | The Deputy Director of Education, |] | |
| | Pune Region, Pune, Having office at 17, |] | |
| | Dr. Babasaheb Ambedkar Road, |] | |
| | Camp, Pune. |] | |
| 5. | The Education Officer (Secondary), |] | |
| | Zilla Parishad, Solapur, Having Office |] | |
| | at Zilla Parishad Building, Solapur. |] | ... Respondents |

Mr. Sushant A. Khatake for the Petitioners.

Mr. A.P. Vanarase, A.G.P. for the Respondent-State.

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

Date : 12th December 2025.

ORAL JUDGMENT (PER : AJIT B. KADETHANKAR, J.)

1. SUBJECT MATTER:

The matter pertains to grant of Shalarth Identity and inclusion of Petitioner No.1's name in the Shalarth System, consequent to grant of approval to his appointment. Petitioner No.1's services and appointment is approved by the order of approval issued by the Education Officer (Secondary), Zilla Parishad, Solapur.

A proposal for Shalarth identity was submitted by the Education Officer to the Deputy Director of Education, Pune i.e. Respondent No.4 by answering all the queries and submitting explanation to the objections. However, the Deputy Director of Education refused to grant Shalarth identity and rejected the proposal disapproving the Approval of appointment itself.

Feeling aggrieved by the rejection of proposal at the hands of the Respondent No.4- Deputy Director of Education Pune, the Petitioners seek directions to the Deputy Director of Education to grant Shalarth Identity to the Petitioner No.1 and include Petitioner No.1's name in the Shalarth System.

2. By now, it is well settled that once an Approval is granted by the competent Authority i.e. the Education Officer, the Deputy Director of Education has to perform only the directorial action to issue Shalarth identity to the concerned employee of the private School and ought not to question validity of the appointment at that juncture. In the case in hand, the Deputy Director of Education not only questioned the validity of Petitioner No.1's appointment but also disapproved issuance of the approval by the Education Officer.

Hence Considering the nature of relief prayed in the Petition we have heard the Writ Petition for final disposal by consent of the parties.

3. **Rule.** Rule made returnable forthwith. For the sake of convenience, the parties are referred to by their factual status.

4. Facts in brief:-

4.1 It is not disputed that the Petitioner No.1 was appointed on the aided post of 'Lab Assistant' on 01-01-2020 by the Petitioner No.2 - School Management in the Petitioner No.3 - School by following due process of law.

An advertisement was published by the School Management to fill up the subject-matter post. Recruitment process was conducted wherein the Petitioner No.1 was found to be eligible to be appointed on the subject-matter post.

4.2 It is also an undisputed fact that the Education Officer (Secondary) Zilla Parishad, Solapur has accorded approval to the services of Petitioner No.1 vide order dated 27-08-2021.

4.3 Consequent to the approval granted by the Education Officer, the School and the Management submitted a proposal on 01-12-2022 with the Education Officer to forward and recommend the said proposal to the Deputy Director of Education to grant Shalarth Identity to the Petitioner No.1.

The Education Officer, vide his covering letter dated 24-01-2023 submitted a comprehensive proposal to the Deputy Director of Education to include Petitioner No.1's name in the Shalarth System and to grant him Shalarth identity. It needs to be recorded that from the recitals of the communication it divulges that some queries were raised by the Deputy Director of Education, and the proposal was re-submitted by explaining the doubts and queries.

4.4 Vide the impugned communication dated 08-03-2023, the Deputy Director of Education rejected the Shalarth Identity proposal raising certain queries.

It is pertinent to note that as stated above, on 24-01-2023 the Education officer satisfied himself that the queries are properly answered by the School Management. He himself submitted the explanation and the proposal on 24-01-2023 to the Deputy Director of Education for grant of Shalarth Identity to the Petitioner No.1.

4.5 We find that the Education officer has got himself satisfied with the explanation given by the School Management on the queries raised by the Deputy Director of Education, and then only has resubmitted the proposal. The issues as regards to vacancy, roaster, and advertisement are correctly addressed and answered by the School Management as also by the Education Officer.

4.6 The Deputy Director in the impugned Order has assigned reason that there is no permission from the State Government regarding process of recruitment of non teaching staff. The Petitioners state that the State Government vide Government Resolution dated 07-03-2019 has granted permission for recruitment of vacant post of non-teaching staff. Be as it may, considering the law prevailing in the field we may not go into those details at this juncture for the reasons recorded below.

As such, Petitioner No.1 is before this court seeking directions to the Respondent authority, particularly the Deputy Director of Education to grant Shalarth Identity as also to include Petitioner No.1's name in the Shalarth System.

4.7 Following are the important sequence of events necessary to pass the directions to the Deputy Director of Education.

Sr. No.	Particulars	Dates
1.	Appointment of Petitioner No.1 on the subject-matter post of Lab Assistant	01-01-2020
2.	Grant of approval by the Education Officer	27-08-2021 w.e.f. 01-01-2020
3.	Date of recommendation letter and Proposal to the Education Officer and then to Deputy Director of Education for Shalarth Identity to the Petitioner No.1, respectively	01-12-2022
4.	Date of submission of explanation and resubmission of the proposal	24-01-2023
5.	Date of rejection by the Deputy director of education	08-03-2023

5. Petitioner's arguments:

5.1 Mr. Sushant A. Khatake, learned Counsel for the Petitioners would submit that in view of the law settled by this Court in a number of matters, directions are needed to be given to the Deputy Director of Education to process the Shalarth Identity proposal, and to grant Shalarth Identity to the Petitioner No.1.

5.2 Mr. Khatake would further submit that in the given set of facts, the act of rejection of the Shalarth Proposal at the hands of the Deputy Director of Education is highly depreciable; and he can not question the approval granted by Education Officer at this juncture.

5.3 Mr. Khatake would further submit that time and again this Court has held that the once the approval is granted by the Education Officer, the Deputy Director of Education can not refuse Shalarth Identity questioning the approval granted by the Education Officer. With this, Mr. Khatake, learned Counsel for the Petitioners prays to allow the Writ Petition by issuing appropriate directions to the Deputy Director of Education.

6. Respondent's arguments:-

6.1 Mr. Vanarase, learned Assistant Government Pleader would fairly agree with the position of law on the subject matter issue, and would pray to pass an appropriate order.

7. Discussion and consideration: -

7.1 It is an admitted fact that the Shalarth System is introduced by the Government of Maharashtra to streamline the process of granting and releasing the salaries of the Employees in the private schools. The Government Resolutions introducing the Shalarth System has categorically laid down the procedure and have clearly entrusted the responsibilities at various levels.

Considering the nature of Petitioner No.1's appointment, Education Officer is the competent authority who is responsible for issuance of the approval to such appointment.

7.2 Needless to mention, in view of the mechanism clearly provided in the Shalarth System procedure, such Employees of private schools whose appointments are duly approved by the Education Officer, are entitled to get their names incorporated in the Shalarth System and also to get Shalarth Identity. In other words, Approval to appointment by the Education Officer is the condition precedent for grant of Shalarth Identity. Grant of approval is a crucial stage and a qualification for inclusion in the Shalarth System.

7.3 This Court in number of cases has observed that once the Education Officer grants approval to the appointment of an employee of a Private School and submits proposal for grant of Shalarth Identity, the Deputy Director of Education is under an obligation to grant Shalarth Identity to such Employee and to include the employee's name in the Shalarth System.

7.4 It is true that Deputy Director of Education may call the School Management or the Employee for certain clarification if any data to be incorporated is inadequate, however in no sense can the Shalarth Identity be withheld/declined questioning the approval in existence.

7.5 The grant of approval to the appointment of an employee necessarily mandates the Deputy Director of Education to grant Shalarth Identity to such Employee. In other words, the Deputy Director of Education is under mandate to grant Shalarth Identity to

such Employee whose services are approved by the Education Officer and the proposal is submitted for grant of Shalarth Identity.

7.6 Inaction on the part of the Deputy Director of Education to grant Shalarth Identity despite the proposal containing approval granted by the Education Officer, or questioning the approval by the Education Officer is not at all permissible, at the juncture of allotting Shalarth identity to an employee whose appointment is approved by the competent authority.

7.7 We refer to latest judgment and order dated 21-11-2025 passed by this Court in the case of ***Saniya Shahrukh Shaikh & Ors. Vs. The State of Maharashtra & Ors.*** bearing Civil Writ Petition No.12195 of 2025, wherein upon recording various judgments and orders passed by this Court we have observed as follows:

“7.15 *From the discussion above and for the reasons recorded, we hold that,*

(i) The ban on appointments imposed vide G.R. dated 04/05-05- 2020 could not prevent the present school management i.e. Minority Educational Institutions from appointing the Petitioner No.1.

(ii) Once approval is granted by the Education Officer (Secondary), Zilla Parishad, the Deputy Director of Education neither can refuse nor can merely sit over the proposal to include the name of the concerned employee in the Shalarth System. Rather the Deputy Director of Education is under

mandate to issue Shalarth Identity to such employee and to include such employee's name in the Shalarth system. Needless to mention, this being in the nature of an administrative job, the Deputy Director of Education must immediately complete the said exercise of granting Shalarth Identity to the concerned employee. Refusal or inaction, as the case may be, on the part of the Deputy Director of Education not only results into deprivation of concerned employee's legitimate right of salary/honorarium, but also causes unnecessary court litigation.

(iii) Deputy Director of Education doesn't sit in appeal over the approval granted by the Education Officer (Secondary), Zilla Parishad while granting Shalarth Identity under GR dated 07-11-2012 r/w GR dated 20-03-2019. However, it's not that the approvals granted by the Education Officers (Secondary), Zilla Parishads cannot be subjected to review at all. Review of an approval is permissible within the four corners of law, the procedure contemplated, and in the peculiar facts of the cases e.g. if the approval was obtained by fraud or misrepresentation etc."

7.8 Reliance is also placed on the decision of this Court in ***Murlidhar s/o. Datta Kayande Vs. State of Maharashtra and Others*, reported in 2022 (4) Mh.L.J. 125 and *Dattatraya Appaso Patil Vs. State of Maharashtra & Others in Writ Petition No. 5740 of 2021, dated 15-12-2021.***

8. In the case in hand, the Deputy Director of Education has refused to grant Shalarth Identity to the Petitioner No.1 disputing the approval granted by the Education Officer, and despite there being directions and orders passed by this Court on a number of occasions.

As we have observed, the approval granted by the Education Officer is not excepted from getting it reviewed by the competent authority, but in no case Shalarth Identity can be refused once the approval is granted.

We accept that review of an approval can definitely be taken, but it is only in due process and within four corners of law. In the present case, we observe that the Education Officer has even got himself satisfied with the explanation tendered by the School Management, and then has endorsed the proposal for grant of Shalarth Identity thereby explaining each query raised by the Deputy Director of Education.

9. In view of the above, we are not introduced with any convincing material by the respondent side to take any view different from what is prevailing in the field (*supra*). We find that the Petitioners have made out a successful case for issuance of directions to the Respondent - Deputy Director of Education. Hence we pass the following order:-

:: ORDER ::

- A)** The Writ Petition stands allowed.
- B)** The Respondent No.4 – Deputy Director of Education is directed to include name of the Petitioner No.1 in the Shalarth System and grant Shalarth Identity to the Petitioner No.1, within a period of six weeks from the date of receipt of this order's copy.
- C)** Needless to mention, the Education Officer (Secondary), Zilla Parishad, Solapur and the Deputy Director of Education, Pune shall release the salary grant/honorarium grant, as is applicable, for the Petitioner No.1 within a period of four weeks from the date of granting Shalarth Identity to the Petitioner No.1.
- D)** Rule made absolute in above terms.
- E)** Writ Petition stands disposed of keeping all contentions open to the respective parties in the eventuality.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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