

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15695 OF 2024

- | | | | |
|----|---------------------------------------|---|-----------------|
| 1. | Sachidanand Diliprao Chaugule |] | |
| | Age 36 years, Occu. Service, |] | |
| | R/o. C/o. Barrister Babasaheb Bhosle |] | |
| | School, Kasegaon, Tal. South Solapur, |] | |
| | District Solapur. |] | |
| 2. | Barrister Babasaheb Bhosle Prashala |] | |
| | Kasegaon, Taluka South Solapur, |] | |
| | District Solapur, |] | |
| | Through its Head Master. |] | |
| 3. | Shri Netaji Subhash Chandra Bose |] | |
| | Shikshan Prasarak Mandal, |] | |
| | Kasegaon, Taluka South Solapur, |] | |
| | District Solapur, |] | |
| | Through its Vice President. |] | ... Petitioners |

Versus

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|----|---|---|-----------------|
| 1. | The Education Officer (Secondary), |] | |
| | Zilla Parishad, Solapur. |] | |
| 2. | The Deputy Director of Education |] | |
| | (Secondary), Pune Region, Pune. |] | |
| 3. | The State of Maharashtra |] | |
| | Through Ministry of Education & Sports, |] | |
| | Mantralaya, Mumbai. |] | ... Respondents |

Ms. Saniya Khairdi a/w. Adv. I. M. Khairdi for the Petitioners.
Mr. V.M. Mali, A.G.P. for the Respondents-State.

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

Date : 3rd November 2025.

ORAL JUDGMENT (Per : M. S. Karnik, J.)

1. Heard learned counsel for the Petitioners.
2. By this Petition under Article 226 of the Constitution of India, the Petitioners prayed that the order dated 11th February 2022 passed by the Respondent No.2- The Deputy Director of Education (Secondary), Pune Region, Pune, be quashed and set-aside. It is prayed further that the name of Petitioner No.1 be included in the Shalarth Pranali.
3. The Petitioner No.1 was appointed on 16th June 2008 pursuant to an advertisement that was issued. On 1st April 2019 the post which was occupied by one Mr. Rajabhau S. Gaikwad became vacant as a result of his voluntary retirement. The Petitioner No.1 was appointed in the said vacant post. The Education Officer by order dated 6th September 2021 granted approval to the appointment of the Petitioner No.1 as a Junior Clerk with effect from 1st April 2019. The Education Officer from time to

time recommended that the Petitioner No.1's name be included in the Shalarth Pranali.

4. By the impugned order, the Respondent No.2 - Deputy Director of Education, Pune, rejected the request made by the Petitioners for inclusion of the name of Petitioner No.1 in the Shalarth Pranali on the ground that the post is not approved.

5. We find substance in the submission of Ms. Saniya Khairdi, learned counsel that the Petitioner No.1's appointment was against a vacant post created by voluntary retirement of Mr. Gaikwad. In any case, the Education Officer has upon consideration of the relevant materials granted individual approval to the appointment of the Petitioner No.1 as a Junior Clerk on various terms and conditions. It is not the case of the Respondents that the conditions stipulated in the approval order are not complied with. The objection of the learned A.G.P is that the post is not approved. We do not find any merit in such an objection of the learned A.G.P., which was made in support of the impugned order.

6. Learned counsel for the Petitioners relied upon a decision of the Nagpur Bench of this Court in *Wasimoddin Salimoddin Farooqui V/s. Deputy Director of Education, Amravati Division, Amravati & Ors., in Writ Petition No. 2053 of 2022*. Para No.7 of the said decision reads thus :

“The Division Bench in Dattatraya Appaso Patil (supra) has held

*in clear terms that once approval is granted to an appointment by the Education Officer, the Deputy Director of Education cannot refuse to enter the name of such employee in the Shalarth Pranali which is in furtherance of the order passed by the Education Officer (Secondary). Similarly in **Murlidhar Datta Kayande** (supra) it has been held that the superior authority in such cases has neither the appellate jurisdiction nor any power of review against the order of the Education Officer. When the order dated 04.08.2020 is perused, it becomes clear that matters that are required to be considered while granting approval have been gone into. The petitioner's appointment having been approved, it would not be permissible to re-open the said matter afresh. We find that the Deputy Director of Education was not justified in considering those aspects that were considered by the Education Officer (Secondary) while granting approval. The order of approval still continues to operate. It was therefore necessary that the name of the petitioner be included in the Shalarth Pranali on that basis. In view of the decisions referred to hereinabove, we are satisfied that the impugned order dated 04.08.2020 cannot be sustained."*

7. We have no hesitation in accepting the submission made by Ms.Khairdi that the case of Petitioner No.1 is squarely covered by the observations made by this Court in the case of **Wasimoddin Salimoddin Farooqui V/s. Deputy Director of Education, Amravati Division, Amravati**

& Ors. (supra). In view of the aforesaid decision, we are satisfied that the impugned order dated 11th February 2022 cannot be sustained and has to be set-aside.

8. Hence, it is directed that the name of the Petitioner No.1 be included in the Shalarth Pranali pursuant to the proposal made within a period of four weeks from the date of receipt of this order.

9. The Petition is disposed of in the aforesaid terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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