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

WRIT PETITION NO. 3088 OF 2023

Sahyadri Shikshan Prasarak Mandal & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Prashant Bhavake for the Petitioners.

Mr. S. B. Kalel, AGP for the State.

**CORAM: RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.**

DATE: JULY 17, 2025

P. C.

1. The Management claims that Petitioner No.3 Mr. Anil Ananda Jadhav was appointed as a Peon vide the appointment order dated 18th February, 2013 and the proposal was forwarded for seeking approval on 12th March, 2013.

2. We find that there are several questions which need an answer with proper scrutiny of records by the Education Officer (Secondary), Zilla Parishad, Kolhapur. We find that such issues were not looked into while passing the impugned order. The Education Officer concentrated on the ban on recruitment and the pendency of Writ Petition No. 1587 of 2021, wherein, a candidate, namely, Mr. Vinayak Shivaji Sawant, sought compassionate appointment claiming to be a legal heir of the deceased employee (Peon) Shri. Shivaji Narayan Sawant. Just two days prior to the impugned order dated 20th April, 2022, this Court delivered a Judgment on 18th April, 2022 and dismissed Writ Petition No. 1587/2021. Hence, the said Petitioner Mr. Vinayak Sawant was not granted compassionate appointment.

3. In view of the above, only to facilitate a proper and meticulous inquiry into the records, we deem it proper to set aside the impugned order to enable the Education Authority to scrutinize the case of the Petitioner on the basis of the records and the guidelines by us.

4. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 20th April, 2022 is quashed and set aside.

5. We are issuing the following directions to be followed by the Education Officer while re-scrutinizing the case of Petitioner No.3 and based on the same, a reasoned order be passed;

- a. Whether the Management had sought prior permission from the Education Department for publishing an advertisement?
- b. If yes, whether such permission was granted?
- c. Whether the management applied to the Education Authorities seeking information about availability of the surplus non teaching employees, who are eligible to be absorbed on the vacant post of peon?
- d. Relevant Government Resolution, which purportedly banned employment during the period when the Petitioner was appointed on 18th February, 2013, be analysed in details.
- e. Whether the advertisement was published in a widely circulated newspaper in terms of the Government Resolutions applicable?
- f. Whether there is any record of the Petitioner having worked from 18th February, 2013 onwards?

- g. Whether the purported proposal dated 12th March, 2013 was actually delivered to the office of the Education Officer (Secondary) or whether a pretense is made by the Management?
- h. If no such proposal was forwarded, whether the Management can explain appropriately as to why the proposal was tendered belatedly on 15th March, 2022?
- i. Whether the Judgment of this Court dated 18th April, 2022 in Vinayak Shivaji Sawant (supra), could be of any assistance to the Petitioner in so far as his purported appointment as a Peon is concerned?
- j. Whether inward register of the Education Department indicates entry of the purported proposal dated 12th March, 2023?

6. The Education Officer would carry out a meticulous inquiry into the above stated aspects. If he finds that the Management needs to answer any queries, he is at liberty to raise his queries to the Management within a period of 45 days from today and call upon the Management to respond to the said queries, in writing. The Management shall respond to the said queries within a period of 21 days from the date of the receipt of the communication. The management would tender whichever documents if desired, in the light of

above enlisted aspects in our order within a period of 15 days to the Education Officer-Respondent No.5. Thereafter, the Education officer shall pass a reasoned order on the merits of the proposal, in the light of the aspects pointed out herein above, within a period of 45 days thereafter. The above aspects would be in addition to the checklist which is prescribed by the Education Department vide GR dated 6th February, 2012.

7. All contentions are kept open and we make it clear to the Education Officer that he is free to decide this proposal on its own merits strictly in accordance with law.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]