

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12055 OF 2025

Yojana Sachin Patil ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO. 12567 OF 2025

Sunita Pandurang Kolapkar ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Prathamesh P. Magadum a/w. Ms. Siddheshwari R. Chavan i/b. Mr. Bhushan Jadhav for the Petitioners.
Mr. Siddheshwar B. Kalel, A.G.P. for the Respondent-State.

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

Date : 24th December 2025.

ORAL JUDGMENT (PER : M.S. KARNIK, J.)

1. Heard learned counsel for the Petitioners.

2. The issues in these Writ Petitions are common. The Petitioners in both the Petitions are aggrieved by the common Order dated 29th April 2025 passed by the Respondent No.2-Education Officer, rejecting the approval of the Petitioners. The impugned Order is a composite Order in respect of both the Petitioners. The only difference is in respect of the date of initial appointment, which admittedly in any case is prior to the coming into force of the Pavitra Pranali. Therefore we refer to the facts of Writ Petition No. 12055 of 2025 for convenience.

3. The Petitioner was appointed as Junior Lecturer [Economics] on 14th June 2016. The said appointment was on clock hour basis with effect from 15th June 2016. The Petitioner was in continuous service upto 30th April 2022.

3.1 The Principal of the college submitted the proposal to the Respondent No.2 time to time and sought approval to the Petitioner's appointment. The Respondent No.2 issued Orders every year and granted approval to the said appointments of the Petitioner on clock hour basis.

3.2 The Petitioner has continuously worked in the Junior College of the Respondent No.3 on clear vacant and permanent post but the appointment of the Petitioner was shown on clock hour basis.

3.3 The Petitioner and other similar employee requested the Respondent No.3 to take into consideration the long standing and continuous service rendered by them on full time post, but being shown on clock hour basis, however the Respondent No.3 had not taken any steps.

3.4 The Petitioner and similarly situated employees filed Writ Petition (St.) No. 55 of 2022 seeking direction to the Management to absorb the Petitioners on full time aided post of Assistant Teachers. This Court vide Order dated 11th April 2022 disposed of the Writ Petition in view of compromise between the Petitioner and the Respondent No.3 that, the Management agrees and undertakes to submit the proposal for seeking the approval to the appointment.

3.5 The Respondent No.3 passed a resolution dated 24th March 2023 and appointed the Petitioner on full time basis on their respective posts vide appointment Order dated 23rd November 2023. The proposal seeking approval was submitted. The Respondent No.2 rejected the said proposal vide Order dated 28th December 2023 without giving opportunity of being heard.

3.6 Pursuant to the Order passed by this Court, the Respondent No.2 conducted a hearing on 29th April 2025 and by way of Order passed on the same date, rejected the proposal.

4. It is urged by Mr. Magadum, learned counsel for the Petitioner that the Petitioner has also passed Teachers Aptitude and Intelligence Test (TAIT) with good marks.

5. Mr. Kalel, learned A.G.P for the Respondents supported the impugned Order. Our attention is invited to the averments made in the Affidavit-in-Reply filed on behalf of the Respondent Nos.1 & 2, affirmed by Ms. Prabhavati Kolekar, Deputy Director of Education, Kolhapur Region, Kolhapur, in support of his submission.

6. It is pertinent to note that the impugned Order is passed on the ground that the Pavitra Pranali is in force. However, it is pertinent to note that the Petitioner was appointed prior to coming into force of the Pavitra Pranali. Since the appointment of the Petitioner was on 14th June 2016, the Pavitra Pranali which came into force some time in the year 2017 can have no application. The impugned Order passed on this ground is unsustainable.

7. Let us to go to the next ground in the impugned Order, which went against the Petitioner. Although the Petitioner was working on clock hour basis since the year 2016, she was working on a full time teacher, despite which the Petitioner was not being appointed on a full time post and therefore she filed Writ Petition (St.) No. 55 of 2022 in this Court. In the said Writ Petition, the consent terms were executed between the

employees and the Management. As per the consent terms, the Petitioner was appointed as a full time teacher in the vacant post. By taking the said consent terms on record, this Court disposed of the said Writ Petition, as the purpose for filing the Petition had been served.

8. The Government Resolutions which provides for upgradation of an employee working on part time post to a full time post are applicable also to the employees working on clock hour basis, as the underlying principle of the said Government Resolutions is squarely applicable to the employees working on clock hour basis. Though the Petitioner was working on clock hour basis, there is no controversial material placed on record that the Petitioner was not working on full time basis. The Petitioner's appointment was approved. Hence, the Petitioner has to be regarded as working on a full time basis.

9. Learned counsel for the Petitioner relied upon the decision of this Court in the case of ***Anupama Dinkar Kanse Vs. The State of Maharashtra***¹. Paragraph Nos.9 & 10 of the said decision reads thus :

*“9. Mr. Jadhav learned Counsel appearing for the Petitioner has rightly pointed out that the Petitioner was appointed on clock hour basis in the year 2011 and the Government Resolution dated 23rd June, 2017 will apply only to new appointments. In the case of ***Sadanand Krishnarao Bhosale vs.****

1 Writ Petition No. 11029 of 2022, dated 21st August 2025.

The State of Maharashtra the Division Bench of this Court by order dated 9th July, 2021 passed in Civil Writ Petition No. 10516 of 2018 dated 9th July, 2021 has followed the earlier decisions to hold that the Government Resolution dated 23rd June, 2017 does not apply to up-gradation of already appointed part time teacher as full time appointees. The Petitioner's case is squarely covered by the said decision. The Petitioner was upgraded w.e.f. 13th June, 2020 and vide order of 23rd April, 2025, the Hon'ble Division Bench of this Court (Bench at Aurangabad) in the case of **Kalyansing Indrasing Rajput & Ors. vs. The State of Maharashtra** passed in Writ Petition No. 10205 of 2024 has factually observed that the Pavitra Portal was not functional till atleast 2024. The Respondent No. 2 could not have rejected the proposal on the ground that the recruitment process not done through Pavitra Portal.

10. In so far as the non compliance with Rule 9(2) (B) and (2)(C) of the M.E.P.S. Rule 1981 is concerned, the same would govern new appointments and not up-gradation of the already appointed part time teachers. Similarly the non production of the TEAT certificate would not affect the appointment of the Petitioner as the Petitioner was appointed on clock hour basis in the year 2011. It is also pertinent to note that the Petitioner was upgraded as teacher for 9th standard whereas the acquisition of TEAT certificate applies for teacher teaching in the 1st to 8th standard.”

10. The aforesaid decision supports the Petitioners' case. It is seen that the G.R. dated 10th June 2022 relied upon by the Respondent to reject the Petitioners' claim is subsequent to the initial appointment of the Petitioners and therefore the said G.R. will have no retrospective application. The said G.R. would apply prospectively and hence, would not apply to the case of the Petitioners. Even on this ground, the impugned Order is unsustainable.

11. In the light of the above discussion, the impugned common Order dated 29th April 2025 passed by the Respondent No.2-Education Officer, is quashed and set-aside.

12. Both the Writ Petitions are allowed in terms of the prayer clauses (a) and (b).

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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