

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16087 OF 2024

Dinesh Rahul Powar and Others.

...Petitioners.

Versus

The State of Maharashtra and Others.

...Respondents.

*Mr. Chetan Patil and Ms. Siddheshwari R. Chavan i/b M. G. Bagkar for the
Petitioner.*

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

**Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.**

Date : September 18, 2025.

P. C. :

- 1. Rule.** Rule made returnable forthwith and by consent taken up for final disposal.
- 2.** The Petition impugns the order dated 22nd May 2024 passed by the Respondent No.3 rejecting the proposal seeking approval to the appointment of Petitioner No.1 as Shikshan Sevak in Petitioner No.3-School.
- 3.** As the post of Assistant Teacher fell vacant in Petitioner No.3 school, the Petitioner No.2 addressed communication dated 16th January 2023 to the Respondent No.3 seeking permission for issuance of advertisement. By communication dated 20th January 2023, the

Respondent No.3 refused permission on the ground that Government Resolutions dated 23rd June 2017, 4th May 2020, 5th May 2020 and 16th January 2023 were applicable to the Petitioner Nos.2 and 3. On 17th March 2023, the Petitioner No.2 once again addressed communication to the Respondent No.3 seeking information as to surplus teachers who can be appointed on the said post. There was no response by the Respondent No.3 to the said communication and neither surplus teacher was sent nor any steps were taken to fill up the said vacancy through Pavitra Portal.

4. Ultimately on 7th August 2023, the Petitioner Nos.2 and 3 issued advertisement in two newspapers "Daily Prahar" and "Daily Ratnagiri Times" inviting applications from the eligible candidates. The Petitioner No.1 being qualified applied in response to the said advertisement and was selected after following due procedure. The Petitioner No.1 was appointed vide appointment order dated 14th August 2023 w.e.f. 17th August 2023. On 25th August 2023, the Petitioner No.3 submitted proposal to the Respondent No.3 seeking approval to the appointment of Petitioner No.1, which came to be rejected by the impugned order.

5. Learned Counsel for the Petitioner submits that the rejection of approval is on the sole ground that appointment of Petitioner No. 1 was not done through Pavitra Portal. He submits that the issue is no

longer *res integra* and has been settled by the decision dated 23rd April 2025 of by this Court in ***Kalyansing Indrasing Rajput v. State of Maharashtra***¹ where the Co-ordinate Bench of this Court has recorded a factual finding that Pavitra Portal was not functional till June 2024 or even thereafter and as Petitioner No.1 was appointed with effect from 17th August 2023, the rejection cannot be on the ground that appointment was not made through Pavitra Portal.

6. Mr. S. M. Kalel, learned AGP has taken this Court through the affidavit dated 5th December 2024 filed by the Deputy Education Officer (Secondary), Ratnagiri Zilla Parishad, Ratnagiri. He submits that it was pursuant to the directions issued by this Court at Nagpur Bench in PIL No. 8 of 2014 that online Pavitra Portal was introduced by the State Government vide Government Resolution dated 23rd June 2017. He submits that there could not be any private recruitment process and all educational institutions were legally mandated to upload the recruitment process on SARAL Portal. He submits that subsequent decisions of this Court have also given directions to follow every mandatory procedure of recruitment conditions as per Pavitra Portal. He submits that in view of the decisions of this Court, since the appointment of Petitioner No.1 was through a private recruitment process, the proposal has been rightly rejected by Respondent No.2.

1 Aurangabad Bench W.P. 10205 of 2024 decided on 23-4-2025.

7. There is no dispute about the fact that Petitioner No.1 is duly qualified for appointment to the post of Shikshan Sevak. The rejection of the proposal submitted for approval to the appointment of Petitioner No.1 is on the sole ground that the recruitment process was not done through Pavitra Portal. The issue is no longer *res integra* and has been settled by the decision of the Co-ordinate Bench of this Court in ***Kalyansing Indrasing Rajput v. State of Maharashtra*** (supra). There is a factual finding by the Co-ordinate bench that Pavitra Portal was not functional from 2017 until June 2024 and might be even thereafter. Though Government Resolution dated 23rd June 2017 and judicial decisions mandate that recruitment process to be done through Pavitra Portal in order to afford equal opportunity in employment, due to non functioning of Pavitra Portal at the time when vacancy arose and Petitioner No.1 came to be appointed, approval to the appointment of Petitioner No.1 cannot be rejected on the sole ground that the recruitment process was not routed through Pavitra Portal. The impugned order is unsustainable and Petition deserves to be allowed.

8. In the light of above, writ petition is allowed in terms of prayer clauses (a) and (b) which reads thus :

“(a) That this Hon'ble Court may be pleased to issue a writ of certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the impugned Order dated 22nd May 2024 issued by Respondent No. 3 herein (being Exhibit

"D" hereto) and further be pleased to direct Respondent No.3 to grant approval to the appointment of Petitioner No. 1 on the post of Shikshan Sevak in Petitioner No. 3 School with effect from 17th August 2023.

(b) That this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction thereby directing Respondent No. 2 to enter the name of the Petitioner No. 1 in the Shalarth Pranali and issue Shalarth Identity to Petitioner No. 1 and further direct the Respondents to release grant in aid for the payment of monthly honorarium/salary to the Petitioner No. 1 from the date of his appointment ie. 17th August 2023 with all consequential benefits."

9. Rule is made absolute in above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]