

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

WRIT PETITION NO. 12565 OF 2025

- | | | |
|--------------------------------------|---|------------------------|
| 1. Shrishail Shivshankar Swami. |] | |
| |] | |
| 2. Smt. Dhoundubai Shikshan Prasarak |] | |
| Mandal, Chungi, Tal : Akalkot, |] | |
| District Solapur. |] | ...Petitioners. |

Versus

- | | | |
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| 1. The State of Maharashtra |] | |
| Through the Secretary, |] | |
| School Education Department |] | |
| |] | |
| 2. The Deputy Director of Education, |] | |
| Pune Region, Pune. |] | |
| |] | |
| 3. The Education Officer (Secondary) |] | |
| Zilla Parishad, Solapur. |] | ...Respondents. |

Mr. Sagar Mane for the Petitioner.

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

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

Date : December 16, 2025.

Oral Order [Per Ajit B. Kadethankar, J.]:

1. Heard learned Counsel for the Petitioner and learned AGP for the Respondent-State.

2. The Petitioner has putforth following substantive reliefs :

"b] By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 3 to immediately issue the order granting approval to the Petitioner No.1 as a Full Time Assistant Teacher in pay scale with effect from 1.12.2023 in the aided Secondary School of the Petitioner No.2 Management, upon completion of service of 3 years as a Shikshan Sevak on the same post.

c] By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No.3 to sanction and release the grant-in-aid for payment for monthly salary in pay scale to the Petitioner No.1 as a Full Time Assistant Teacher in the aided school of the Petitioner No.2 Management, with effect from 1.12.2023, with all arrears.

d] By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 3 to pay to the Petitioner No. 1 the interest @ 10% p.a. from 1.12.2023, on the arrears of salary payable to the Petitioner No. 1, till the date on which the said entire amount of salary arrears would be paid to the Petitioner No. 1."

3. Considering the nature of prayers and the subject matter of writ petition, we deem it appropriate to dispose of the writ petition finally at admission stage, by consent of parties.

4.1. Petitioner's father, namely Shivshankar Swami was serving as Senior Clerk in the school run by Petitioner No.2. On 5th February 2016, the Petitioner's father expired owing to some serious illness while on duty. At the relevant time, Petitioner no.1 was prosecuting his graduation studies in the faculty of science.

4.2. In the course of time due to superannuation of one Mr. Dhonsale Sharanappa Parappa, a post of Assistant Teacher fell vacant in Petitioner No.2-school. Petitioner No.1 had already applied to the

school management for giving him appointment on compassionate basis consequent to the death of his father. As the Petitioner No.1 was possessing the requisite qualification to be appointed as Assistant Teacher, the school management appointed Petitioner No.1 as Shikshan Sevak for a period of 3 years with effect from 1st December 2020.

4.3. In due course of time, the school submitted a proposal to the Education Officer (Secondary), Zilla Parishad, Solapur on 3rd March 2021 seeking approval to the appointment of Petitioner No.1. The Education Officer (Secondary), Zilla Parishad, Solapur verified the proposal on all tests and granted approval on 19th July 2021 to the appointment of Petitioner No.1 as Shikshan Sevak.

4.4. Respondent No.2– the Deputy Director of Education, Pune Region, Pune also granted Shalarth Id to Petitioner No. 1 and included his name in Shalarth system on 8th February 2022.

4.5. Soon after completion of service for 3 years on the post of Shikshan Sevak, the school management resolved to continue the services of Petitioner No.1 as a full-time teacher in regular pay-scale.

As such, Petitioner No.1 was continued as Assistant Teacher from Shikshan Sevak on regular pay-scale.

On 9th January 2024, the school submitted a proposal to the Education Officer (Secondary), Zilla Parishad, Solapur seeking approval to the appointment of Petitioner No.1 by continuation as Assistant Teacher.

4.6. It is the contention of Petitioners that Petitioner No.1 was appointed as Shikshan Sevak by following due process and the competent authorities have approved such appointment, only because the entire process was lawfully conducted while appointing Petitioner No.1 as Shikshan Sevak.

Petitioner contends that, as it is a case of continuation of Shikshan Sevak's services as an Assistant Teacher after completion of probation period of 3 years, there would be no impediment in approving such continuation / appointment on the post of Assistant Teacher in a regular pay scale.

4.7. In view of this, learned Counsel for the Petitioners would submit that inaction on the part of Education Officer (Secondary), Zilla Parishad, Solapur is unjustifiable and directions are required to be issued for early process of the approval proposal.

5. Mr. A. P. Vanarase, learned AGP submitted that Education Officer (Secondary), Zilla Parishad, Solapur however raises serious objection to the prayers made in the Writ Petition. It is objected that material showing the Petitioner has obtained the approval incorrectly, has been revealed. He would submit that directions may not be issued to the Education Officer to grant approval in the light of the facts.

6. Mr. Vanarase, Ld. Asst. Government Pleader would submit that it not a trite law nor it is a justifiable argument that once the services as Shikshan Sevak were approved, the authorities are under obligation to grant further approval to the appointment/continuation as Assistant Teacher. He would submit that at every stage, the Competent authorities are justified in scrutinizing the documents and records of every employee before proceeding to take any decision on any claim or proposal. He would submit that grant of approval is not merely a ministerial act as is posed by the Petitioner. Last but not the least, it is the submission of Learned Assistant Government Pleader that the Education Officer has sufficient material that demonstrates that some wrong has been committed while Petitioner secured earlier approval. He submits to have reasonable information of a criminal prosecution has been launched pursuant to the earlier approval.

7. We agree that the Education Officer as also his superior authorities are well competent to look into the complaints and the objections concerning genuineness of the documents submitted by private school employees and the managements in the process of appointments, grant of approvals etc. It is for those authorities to enquire into such issues and to take appropriate decisions. These are all disputed questions of facts within the realm of appropriate competent authorities, where this Court would not enter into.

8. We do agree that grant of approval is not merely a ministerial act nor the Education Officers are under obligation to pass approval to any appointment without examining the record of the case/proposal that is put before them. Grant of approval to an appointment as Shikshan Sevak does not mean that the Authorities are bound to grant or approve the next proposal for approval as Assistant Teacher mechanically. This Court has time and again held that approvals granted by the Education Officer or Deputy Director of Education, as the case may be, are too subject to its review within the four corners of law. In fact, the Education Officers must meticulously examine each case cautiously and mindfully too. While doing so, the authorities need to give an opportunity of hearing to the employee and the Management to explain against the objection.

9. True that, if the Authorities discover some wrong, manipulation of record, any illegality in grant of any approval, order etc., it is needless to mention that they must take such issue to its logical end. If in view of the submission of learned Assistant Government Pleader some manipulation of record is revealed in the present case which has even resulted into launch of criminal prosecution, then certainly it is of grave concern. We, at this juncture will not enter into those disputed questions of facts and leave it at the disposal of competent authorities to do the needful within the four corners of law.

10. Hence, for the reasons stated above, we deem it appropriate to pass following order.

- (i) The Writ Petition is partly allowed;
- (ii) The Education Officer (Secondary), Zilla Parishad, Solapur is directed to decide the proposal dated 9th January 2024 submitted by Petitioner No.2 [Exhibit-“J” to the petition] within a period of 8 weeks from the date of receipt of a copy of this order, strictly on its own merit and without being influenced that the earlier service of the Petitioner as Shikshan Sevak was approved;
- (iii) In case of any objections/deficiencies, the Petitioners shall be given an opportunity of hearing;
- (iv) We clarify that we have not observed anything on the merits of the case, and all contentions are kept open.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]