

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5082 OF 2023

Shri Datta Education Society & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Prashant S. Bhavake for the Petitioners.

Ms. Tejas J. Kapre, A.G.P for the Respondents-State.

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

Date : 8th October 2025.

P. C. :

1. Heard learned counsel for the Petitioners and learned A.G.P for the Respondents-State.
2. We find that the impugned Order dated 9th November 2020, rejecting the proposal for individual approval to the appointment of the Petitioner No.3 as Shikshan Sevak / Assistant Teacher is rejected by the Education Officer (Secondary) on three counts. First reason is that no permission was taken from the Education Officer before appointing the Petitioner; second reason is of backlog and the third reason is that it is not done through the Pavitra Portal, which was brought into force by the G.R. dated 23rd June 2017.

3. From the memo of the Petition we find that an application was made by the Petitioners to the Education Officer (Secondary) on 12th June 2018, which was duly served. There was no response to the said application. Therefore, the Petitioners issued an advertisement in Daily Newspaper Lokmat on 23rd June 2018 for recruitment to the post of Shikshan Sevak from open category. Thereafter again on 27th June 2018, fresh advertisement was issued in the Daily Newspaper Lokmat. Pursuant thereto, the Petitioner No.3 was appointed as Shikshan Sevak on 29th June 2018. Thus, so far as ground No.(1) is concerned, there is sufficient compliance.

4. We are of the opinion that so far as the ground No.(2) and ground No.(3) of the impugned order regarding backlog and recruitment not being made through Pavitra Portal are concerned, the Petitioners should have been given an opportunity by the Education Officer to submit an explanation.

5. Therefore, we direct that the impugned order dated 9th November 2020 be treated as 'Show cause notice' only to the extent of ground No. (2) and ground No.(3). The explanation to be offered within a period of two weeks from today.

6. If any further explanation is required, the Education Officer (Secondary) to give an opportunity to the Petitioners to cure the deficiencies.

7. The show cause notice to be decided within a period of 10 weeks from today in accordance with law.
8. In case the approval to the appointment of the Petitioner No.3 is granted, the Respondent No. 4 – Deputy Director is directed to enter the name of the Petitioner No.3 in Shalarth Pranali and issue Shalarth I.D. to the Petitioner No.3 and release the grant-in-aid towards payment of monthly salary / honorarium to the Petitioner No.3 since the date of her appointment with consequential benefits within a period of eight weeks from the date of grant of approval to the appointment of the Petitioner No.3.
9. Petition is disposed of in above terms.
10. All contentions of the parties are kept open.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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