

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12536 OF 2025

Shri. Ganesh Rajaram Murgude,]
Age: 39 Years, Occupation: Service,]
R/o. A/P. Piral, Taluka: Radhanagari,]
District: Kolhapur.] **...Petitioner**

Versus

1. The State of Maharashtra,]
Through the Secretary,]
School Education and Sports]
Department, Mantralaya,]
Mumbai – 400 032]
]
2. The Commissioner of Education,]
School Education Department,]
Maharashtra State, Pune.]
]
3. The Director of Education,]
(Secondary and Higher Secondary),]
Maharashtra State, Pune- 1.]
]
4. The Deputy Director of Education,]
Kolhapur Region, Kolhapur, Having]
office at, Somwar Peth,]
Hatti Mahal, Ganji Galli,]
Kolhapur-416 002.]
]
5. The Education Officer (Secondary),]
Zilla Parishad, Kolhapur,]
Having Office at, Zilla Parishad]
Building, Kolhapur.]

6. Shri. Prince Shivaji Maratha Boarding]
House, Kolhapur, Having office at,]
'A' Ward, Shivaji Peth, Kolhapur,]
Through its President/Secretary.]
]
7. Dewale High School, Dewale,]
Tal. Panhala, District: Kolhapur,]
Through its Head Master.] **...Respondents**

Mr. Prashant Bhavake for the Petitioner.
Mr. R. P. Kadam, A.G.P. for the Respondent-State.

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

Date : 5th December, 2025.

ORAL JUDGMENT (PER : AJIT B. KADETHANKAR, J.)

1. Subject Matter:

The matter pertains to grant of Shalarth Identity and inclusion of Petitioner's name in the Shalarth System, consequent to grant of approval to Petitioner's appointment.

Feeling aggrieved by the inaction on the part of Respondent - Deputy Director of Education, the Petitioner seeks directions to the Deputy Director of Education to grant Shalarth Identity to the Petitioner and include Petitioner's name in the Shalarth System.

2. Considering the nature of relief prayed in the Petition we

have heard the Writ Petition finally by consent of the parties.

3. Rule. Rule made returnable forthwith. For the sake of convenience, the parties are referred to by their factual status.

4. Facts in Brief:-

4.1 It is not disputed that the Petitioner was appointed on the post of 'Peon' (Shikshan Sevak) by the Respondent - School Management by following due process of law.

4.2 It is also an undisputed fact that the Education Officer (Secondary) Zilla Parishad, Kolhapur has accorded approval to the services of Petitioner.

4.3 Consequent to the approval granted by the Education Officer to the Petitioner's services, the School Management and the Education Officer submitted a proposal to the Deputy Director of Education for inclusion of Petitioner's name in the Shalarth System and to grant Shalarth Identity to the Petitioner.

4.4 Despite having a good case for grant of Shalarth Identity, the Deputy Director of Education has not yet included Petitioner's name in the Shalarth System nor has granted Shalarth Identity to the Petitioner.

4.5 As such, Petitioner is before this court seeking directions to the Respondent authority, particularly the Deputy Director of Education to grant Shalarth Identity as also to include

Petitioner's name in the Shalarth System.

4.6 Following are the important sequence of events necessary to pass the directions to the Deputy Director of Education.

Sr.No.	Particulars	Dates
1.	Appointment of Petitioner as Peon (Shikshan Sevak)	14.06.2017(w.e.f. 15.06.2017)
2.	Grant of approval by the Education Officer	30.05.2025
3	School Management sent proposal to the Education Officer.	09.06.2025
4.	Date of recommendation letter and Proposal to the Deputy Director of Education for Shalarth Identity to the Petitioner	30.07.2025 (forwarded on 18.08.2025)
5.	Till date the proposal is pending.	

5. Petitioner's Arguments:

5.1 Mr. Prashant Bhavake, learned Counsel for the Petitioner would submit that in view of the law settled by this Court in a number of matters, directions are needed to be given to the Deputy Director of Education to process the Shalarth Identity proposal, and to grant Shalarth Identity to the Petitioner.

5.2 Learned counsel for the petitioner would further submit that in the given set of facts, the inaction on the part of the Deputy Director of Education is highly depreciable and he can not merely sit tight over the proposal.

5.3 He would further submit that the inaction of the part of

the Deputy Director of Education suggests question by the said Authority on the approval granted by the Education Officer. With this, learned Counsel for the Petitioner prays to allow the Writ Petition by issuing appropriate directions to the Deputy Director of Education.

6. Respondent's Argument:-

6.1 Obviously, the School and the Management support Petitioner's case.

6.2 Mr. R. P. Kadam, learned Assistant Government Pleader would fairly agree with the position of law on the subject matter issue, and would pray to pass an appropriate order.

7. Discussion and Consideration: -

7.1 It is an admitted fact that the Shalarth System is introduced by the Government of Maharashtra to streamline the process of granting and releasing the salaries of the Employees in the private schools.

7.2 Needless to mention, such Employees of private schools whose appointments are duly approved by the Education Officer, are entitled to get their names incorporated in the Shalarth System and also to get Shalarth Identity. In other words, Approval to appointment by the Education Officer is the condition precedent for grant of Shalarth Identity. Grant of

approval is a crucial stage and a qualification for inclusion in the Shalarth System.

7.3 This Court in number of cases has observed that once the Education Officer grants approval to the appointment of an employee of a Private School and submits proposal for grant of Shalarth Identity, the Deputy Director of Education is under an obligation to grant Shalarth Identity to such Employee and to include the employee's name in the Shalarth System.

7.4 It is true that Deputy Director of Education may call the School Management or the Employee for certain clarification if any data to be incorporated is inadequate, however in no sense can the Shalarth Identity be withheld/declined questioning the approval in existence.

7.5 The grant of approval to the appointment of an employee necessarily mandates the Deputy Director of Education to grant Shalarth Identity to such Employee. In other words, the Deputy Director of Education is under mandate to grant Shalarth Identity to such Employee whose services are approved by the Education Officer and the proposal is submitted for grant of Shalarth Identity.

7.6 Inaction on the part of the Deputy Director of Education to grant Shalarth Identity despite the proposal containing approval

granted by the Education Officer, or questioning the approval by the Education Officer is not at all permissible.

7.7 We refer to latest judgment and order dated 21.11.2025 passed by this Court in the case of ***Saniya Shahrukh Shaikh & Ors. Vs. The State of Maharashtra & Ors.*** bearing Civil Writ Petition No.12195 of 2025, wherein upon recording various judgments and orders passed by this Court we have observed as follows:

“7.15 From the discussion above and for the reasons recorded, we hold that,

(i) The ban on appointments imposed vide G.R. dated 04/05-05- 2020 could not prevent the present school management i.e. Minority Educational Institutions from appointing the Petitioner No.1.

(ii) Once approval is granted by the Education Officer (Secondary), Zilla Parishad, the Deputy Director of Education neither can refuse nor can merely sit over the proposal to include the name of the concerned employee in the Shalarth System. Rather the Deputy Director of Education is under mandate to issue Shalarth Identity to such employee and to include such employee's name in the Shalarth system. Needless to mention, this being in the nature of an administrative job, the Deputy Director of Education must immediately complete the said exercise of granting Shalarth Identity to the concerned employee. Refusal or inaction, as the case may be, on the part of the Deputy Director of Education not only results into deprivation of concerned employee's legitimate right of salary/honorarium, but also causes unnecessary court litigation.

(iii) Deputy Director of Education doesn't sit in appeal over the approval granted by the Education Officer (Secondary), Zilla Parishad while granting Shalarth Identity under GR dated 07-11-2012 r/w GR dated 20-03-2019. However, it's not that the approvals granted by the Education Officers (Secondary), Zilla Parishads cannot be subjected to review at all. Review of an approval is permissible within the four corners of law, the procedure contemplated, and in the peculiar facts of the cases e.g. if the approval was obtained by fraud or misrepresentation etc."

8. In the case in hand, the Deputy Director of Education has not yet included name of the Petitioner in the Shalarth System despite there being approval in favor of the Petitioner, and despite there being directions and orders passed by this Court on a number of occasions.

9. In view of the above, we find that the Petitioner has made out a successful case for issuance of certain directions to the Respondent - Deputy Director of Education. Hence, we pass the following order:-

::ORDER::

- A)** The Writ Petition stands allowed;
- B)** The Respondent – Deputy Director of Education is directed to include name of the Petitioner in the Shalarth System and grant Shalarth Identity to the Petitioner, within a period of six weeks from the date of receipt of copy of this

order.

- C)** Needless to mention, the Education Officer (Secondary) Zilla Parishad, Kolhapur and the Deputy Director of Education, Kolhapur shall release the honorarium grant/salary grant for the Petitioner within a period of four weeks from the date of granting Shalarth Identity to the Petitioner.
- D)** Rule is made absolute in above terms.
- E)** We make it clear that we have not observed anything on the merits of the case.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]