

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12709 OF 2025

District: Kolhapur

Shri Yogesh Jaysing Patil]
Age : 35 Years, Occupation : Service,]
R/o. At : Malave, Post : Saravade,]
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 Hatti Mahal, Ganji Galli,]
Somwar Peth, Kolhapur.]
5. The Education Officer (Secondary),]
Zilla Parishad, Kolhapur.]
Having Office at Zilla Parishad Building,]

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|----|---|---|-----------------|
| | Nagala Park, Kolhapur. |] | |
| 6. | Shri Rajashri Shahu Chatrapati Shikshan |] | |
| | Prasarak Mandal, Shirgaon, |] | |
| | Tal. Radhanagari, District : Kolhapur. |] | |
| | Through its President/Secretary/ |] | |
| | Joint Secretary. |] | |
| 7. | Sonyachi Shirolu High School, |] | |
| | Sonyachi Shirolu. Tal. Radhanagari, |] | |
| | District : Kolhapur. |] | |
| | Through the President of School |] | |
| | Committee / Head Master. |] | ... Respondents |

Mr. Utkarsh Desai for the Petitioner.

Mr. Siddheshwar B. Kalel, A.G.P. for the Respondent Nos.1 to 5-State.

Mr. Prashant Bhavake for the Respondent Nos.6 & 7.

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

Date : 23rd December 2025.

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

1. SUBJECT MATTER:

The matter pertains to the grant of a Shalarth Identity and inclusion of the Petitioner's name in the Shalarth System, consequent upon the approval of the Petitioner's appointment. The Petitioner's appointment and services stand approved by an order issued by the Education Officer. Pursuant thereto, a proposal for grant of Shalarth

Identity was forwarded by the Education Officer to the Deputy Director of Education. However, the Deputy Director of Education has neither taken any decision on the said proposal nor communicated any reasons and has kept the same in abeyance.

1.1 Feeling aggrieved by the inaction on the part of Respondent No.4 – the Deputy Director of Education, the Petitioner seeks appropriate directions to the Respondent No.4 to grant Shalarth Identity to the Petitioner and to include the Petitioner's name in the Shalarth System.

2. Considering the nature of the relief prayed for in the Petition, we have heard and disposed of 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 'Junior Clerk' on 09-07-2024 by the Respondent No.6 - School Management in the Respondent No. 7 - School by following due process of law. An advertisement was published by the School Management to fill up the subject-matter post. Recruitment process was conducted wherein the Petitioner was found to be eligible to be appointed on the subject-matter post.

4.2 It is also an undisputed fact that the Education Officer (Secondary), Zilla Parishad, Kolhapur has accorded approval to the services of Petitioner vide order dated 26-05-2025 w.e.f. 09-07-2024.

4.3 Consequent to the approval granted by the Education Officer, the School and the Management submitted a proposal on 25-06-2025 with the Education Officer to forward and recommend the said proposal to the Deputy Director of Education to grant Shalarth Identity to the Petitioner. Ultimately, the Education Officer vide his letter dated 25-06-2025 submitted a comprehensive proposal to the Deputy Director of Education to include Petitioner's name in the Shalarth System and to grant him Shalarth identity.

4.4 That although the Deputy Director of Education received the said proposal on 26th June 2025, no decision has been taken thereon till date and the same has been kept in abeyance. It is submitted that the Petitioner is presently working without salary and, if the proposal is not decided within a reasonable time, the Petitioner will suffer irreparable loss, harm, injury, damage and prejudice, which cannot be compensated in terms of money.

4.5 As such, the Petitioner is before this court seeking directions to the Respondent-Authorities, 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 on the subject-matter post of Junior Clerk	09-07-2024
2.	Grant of approval by the Education Officer	26-05-2025
3.	Date of letter and Proposal to the Education Officer for Shalarth Identity to the Petitioner by the School Management	25-06-2025
4.	Date of recommendation letter and Proposal to the Deputy Director of Education for Shalarth Identity to the Petitioner by the Education Officer	25-06-2025

5. Petitioner's arguments :

5.1 Mr. Utkarsh Desai, 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 Mr. Desai would further submit that, in the facts and circumstances of the case, the inaction on the part of the Deputy Director of Education is highly deprecated, and once the Education Officer has granted approval to the Petitioner's appointment, the Deputy Director of Education ought to have accorded approval without any delay.

5.3 With this, Mr. Desai, learned Counsel for the Petitioner prays to allow the Writ Petition by issuing appropriate directions to the Deputy Director of Education.

6. Respondent's arguments:-

6.1 Mr. Bhavake, learned counsel for Respondent Nos.6 & 7, i.e. the School Management and the School, supports the contentions of the Petitioner and prays for appropriate directions to the Deputy Director of Education to decide the proposal within a time-bound manner.

6.2 Mr. Kalel, learned Assistant Government Pleader, would fairly submit that an appropriate order in the interest of justice be passed and that reasonable time be granted to the Deputy Director of Education to decide the said proposal.

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, though the Education Officer has granted approval the proposal of the Petitioner and recommended the same to the Deputy Director of Education, he has not taken any decision on the said proposal and kept it in abeyance.

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 No.4 - Deputy Director of Education.

9.1 Hence we pass the following order:-

:: ORDER ::

- A)** The Writ Petition is allowed with directions as follows.
- B)** The Petitioner, the Head Master and the School Management shall file before the Deputy Director of Education, a joint undertaking in the form of an affidavit that "the documents in the proposal are genuine and that there is no fraudulent

material, misrepresentation of facts in the proposal nor there is any manipulation of record. That, the grant of Shalarth Identity to the Petitioner shall remain subject to the truthfulness of the documents in the proposal. That, the deponents shall be liable for any such objectionable material in the proposal and also for making incorrect statements on oath”.

- B-1)** The joint undertaking in the form of affidavit mentioned above shall be placed before the Deputy Director of Education within four weeks herefrom together with this order's copy.
- C)** Respondent No.4 – the Deputy Director of Education is directed to include Petitioner’s name in the Shalarth System and grant of Shalarth Identity to the Petitioner, within a period of six weeks from the date of receipt of this order’s copy.
- C-1)** The Respondent No.5-Education Officer (Secondary), Zilla Parishad, Kolhapur and the Respondent No.4-Deputy Director of Education, Kolhapur, shall release the salary grant for the Petitioner within a period of four weeks from the date of granting Shalarth Identity to the Petitioner.
- D)** If the Authorities reveal any instance of fraud, misrepresentation of facts or manipulation of record in the proposal or in any document forming part thereof, the Authority shall afford an opportunity to the Petitioner and the School Management to explain such discrepancy/objection. Upon giving full opportunity of hearing to the Petitioner and the School Management, the Authorities shall proceed accordingly. If there is no such component of fraud, misrepresentation of facts or manipulation of record, it shall issue the Shalarth Identity as directed above without making any delay.

- E)** In no case, except in instances of fraud or misrepresentation as observed above, shall the Authorities withhold or reject the Petitioner's proposal.
- F)** Rule made absolute in above terms.
- G)** The Writ Petition stands disposed of, keeping all contentions of the respective parties open, in the event of any eventuality.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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