

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15372 OF 2024

Swati Dipak Patil and others	]	Petitioners
versus		
The State of Maharashtra and others	]	Respondents

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Mr. Chetan G. Patil a/w Mr. Gajraj A. Mali a/w Mr. Prathamesh Magdum i/b
Mr. Mandar Bagkar, for Petitioners.

Mr. A.P. Vanarase, A.G.P, for Respondent – State.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATE : 4th DECEMBER, 2025.

ORAL ORDER: [PER AJIT B. KADETHANKAR, J.]:

1. Heard Mr. Patil, learned Counsel for the petitioners.

2. Mr. Patil would submit that vacancy for the post of “Assistant Teacher” in petitioner No.3 – Shahu High School and Junior College arose due to death of Assistant Teacher Ajit R. Gavade. He would further submit that by following due procedure, petitioner No.2 – Shikshan Prasarak Mandal and petitioner No.3 - Shahu High School and Junior College appointed the petitioner No.1 on the vacant post of “Assistant Teacher” by an order dated 1st

October, 2020. Petitioners No.2 and 3 approached respondent No.2 – Education Officer with a proposal seeking approval to the appointment of petitioner No.1 in the post of Shikshan Sevak/Assistant Teacher, However, respondent No.2 refused to grant the proposal vide order dated 2nd March, 2020. He would further submit that petitioner Nos.2 and 3 even forwarded proposal on 10th February, 2021 to respondent No.2 – Education Officer seeking approval to the appointment of the petitioner to the post of Shikshan Sevak. However, vide order dated 2nd March, 2021, respondent No.2 – Education Officer turned down the said proposal thereby intimating nine deficiencies. Learned Counsel would further submit that School Management is also petitioners in the present petition with petitioner No.1 who is the appointee. He would further submit that petitioner Nos.2 and 3 removed all the deficiencies and a comprehensive and clear proposal was submitted to the respondent No.2 – Education Officer vide covering letter dated 7th April, 2021. Learned Counsel would further submit that despite curing all deficiencies by the petitioners, respondent No.2 – Education Officer has not taken any decision on the proposal.

3. Mr. Patil fairly submitted that at this juncture, he only seeks direction to respondent No.2 – Education Officer to decide the proposal dated 7th April, 2021 as expeditiously as possible.

4. Learned A.G.P would submit that respondent No.2 – Education Officer has to scrutinize the proposal in light of the prevailing Government policies and the Rules.

5. In view of this, we deem it appropriate to dispose of the present petition with following directions;

(a) Respondent No.2 – Education Officer shall decide the proposal dated 7th April, 2021 submitted by petitioner Nos.1 and 2 as expeditiously as possible and, in any case, within a period of eight weeks from the date of communication of this order.

(b) Despite the fact that the petitioners have removed all the deficiencies, if respondent No.2 – Education Officer still finds any additional deficiencies, the petitioners shall be given appropriate opportunity of hearing and time to remove such deficiencies.

(c) Respondent No.2 – Education Officer shall take decision on the proposal on its own merits.

6. We make it clear that we have not made any observations on the merits of the petitioners' case.

7. Needless to mention that if respondent No.2 – Education Officer grants approval to the services of petitioner No.1, Deputy Director of Education shall include petitioner No.1 in Shalarth System and shall grant Shalarth ID to petitioner No.1 and the process of releasing honorarium/salary shall be conducted within a period of four weeks thereafter.

8. The petition is disposed of.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]