

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

WRIT PETITION NO. 1122 OF 2024

Kishori Raosaheb Salunkhe and Others. ...Petitioners.

Versus

The State of Maharashtra and Others. ...Respondents.

Satish Raut and Aarya U. Ambulkar for the Petitioner.
Mr. V. M. Mali, AGP for the Respondent-State.

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

Date : September 18, 2025.

P. C. :

- 1. Rule.** Rule made returnable forthwith and by consent taken up for final disposal.
- The Petition impugns the order dated 11th August 2023 passed by the Respondent No.2 rejecting the proposal seeking approval to the appointment of Petitioner No.1 as Shikshan Sevak in Petitioner No.3-School.
- As the post of Assistant Teacher fell vacant in Petitioner No.3-school, the Petitioner No.2 addressed a communication dated 21st July 2022 to the Respondent No.2 seeking permission for issuance of advertisement. By communication dated 4th August 2022, the Respondent No.2 refused permission to publish the advertisement on the ground that Government Resolutions dated 23rd June 2017, 4th May

2020, 5th May 2020 and 16th January 2023 were applicable to Petitioner Nos.2 and 3. On 29th November 2022, Petitioner No.2 addressed a communication to the Respondent No.2 seeking information as to surplus teachers which can be appointed on the said post. There was no response by the Respondent No.2 to the said communication and neither surplus teacher was sent nor any steps to fill up the said vacancy through Pavitra Portal. Ultimately, on 10th May 2023, Petitioner No.2 issued advertisement in newspaper, namely, "Dainik Lalkar" inviting applications from eligible candidates. Petitioner No.1 being duly qualified, applied in response to the advertisement and was selected after following due procedure. Petitioner No.1 was appointed vide appointment order dated 15th June 2023 w.e.f. 15th June 2023. On 1st August 2023, Petitioner No.3 submitted a proposal to the Respondent No.2 seeking approval to the appointment of Petitioner No.1, which came to be rejected by impugned order.

4. Learned Counsel for the Petitioner submits that the rejection of approval is only on the ground that the appointment of Petitioner No. 1 was not done through Pavitra Portal. He submits that the issue is no longer *res integra* and has been settled by the decision dated 23rd April 2025 of by this Court in ***Kalyansing Indrasing Rajput v. The State of Maharashtra***¹ where the Co-ordinate Bench of this Court has recorded

1 Aurangabad Bench W.P. 10205 of 2024 decided on 23-4-2025.

a factual finding that Pavitra Portal was not functional till June 2024 or even thereafter and as Petitioner No.1 was appointed with effect from 17th August 2023, the rejection cannot be on the ground that the appointment was not made through Pavitra Portal.

5. *Per contra* Mr. V. M. Mali learned AGP submits that it was pursuant to the directions issued by this Court at Nagpur Bench in PIL No. 8 of 2014 that online Pavitra Portal was introduced by the State Government vide Government Resolution dated 23rd June 2017. He submits that there could not be any private recruitment process and all educational institutions were legally mandated to upload the recruitment process on SARAL Portal. He submits that subsequent decisions of this Court have also given directions to follow every mandatory procedure of recruitment conditions as per Pavitra Portal. He submits that in view of the decisions of this Court, since the appointment of Petitioner No.1 was through a private recruitment process, has been rightly rejected by the Respondent No.2.

6. There is no dispute about the fact that Petitioner No.1 is duly qualified for appointment to the post of Assistant Teacher. The rejection of the proposal submitted for approval to the appointment of Petitioner No.1 is on the sole ground that the recruitment process was not done through Pavitra Portal. The issue is no longer *res integra* and has been settled by the decision of the Co-ordinate Bench of this Court

in *Kalyansing Indrasing Rajput v. State of Maharashtra* (supra). There is a factual finding by the Co-ordinate bench that Pavitra Portal was not functional from 2017 onwards until June 2024 and might be even thereafter. Though Government Resolution dated 23rd June 2017 and judicial decisions mandate that recruitment process to be done through Pavitra Portal in order to afford equal opportunity in employment, due to non functioning of Pavitra Portal at the time when vacancy arose and Petitioner No.1 came to be appointed, the approval of Petitioner No.2 cannot be rejected on the sole ground that the recruitment process was not routed through Pavitra Portal.

7. In the light of above, writ petition is allowed in terms of prayer clauses (a) and (b) which reads thus :

“(a) That this Hon'ble Court may be pleased to issue an appropriate writ, order or direction in the nature of writ thereby quashing and setting aside the impugned order dated 11.08.2023 issued by Respondent No. 2 herein and further be pleased to direct Respondent No. 2 herein to forthwith grant approval to the appointment of Petitioner no. 1 as a as a Shikshan Sevak with effect from 15.06.2023 as an Assistant Teacher.

(b) That this Hon'ble Court may be pleased to issue an appropriate writ, order or direction in the nature of writ thereby directing Respondent No.3 herein to enter the name of the Petitioner in Shalarth Pranali and issue Shalarth I.D. to the Petitioner no. 1 and further be pleased to direct Respondent Nos. 1, 2 and 3 herein to release grant in aid for the payment of honorarium/salary to the Petitioner no. 1 with effect from her date of appointment i.e. 15.06.2023 with all consequential benefits.”

8. Rule is made absolute in above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]