

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16332 OF 2023

Smt. Rupali Vishal Patil & Ors.] ... Petitioners

Versus

The State Of Maharashtra & Ors.] ... Respondents

*Mr. Chetan G. Patil a/w. Ms. Siddheshwari R. Chavan & Mr. Prathamesh Magadum i/b. Mr. Mandar Bagkar for the Petitioners.
Mr. V. M. Mali, A.G.P for the Respondents-State.*

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

Date : 18th September 2025

P. C. :

- 1.** Rule. Rule made returnable forthwith and taken up for final disposal with consent of the parties.
- 2.** The Petition impugns the Order dated 23rd September 2022 / 7th October 2022 passed by the Respondent No.2 - the Education Officer (Secondary), Zilla Parishad, Sangli, rejecting the proposal for appointment of Petitioner No.1 as Shikshan Sevak in Petitioner No.3-School.
- 3.** In the year 2018-2019 the post of Assistant Teacher fell vacant due

to voluntary retirement of one Mr. Vijay Popat Karande. On 16th August 2018 the Petitioner Nos.2 & 3 addressed a communication to the Respondent No.2 seeking permission for issuance of advertisement to fill the vacant post of Shikshan Sevak. There was no response by the Respondent No.2 and neither any surplus teacher was sent to be observed in the said post. On 1st September 2018 the Petitioner Nos.2 & 3 issued an advertisement in the Daily Newspaper inviting applications for the said post. The Petitioner No.1, who was qualified as B.Sc.-B.Ed. applied in response to the said advertisement and was selected after following due procedure and came to be appointed on 24th September 2018. On 14th September 2022 the Petitioner Nos.2 & 3 submitted the proposal to Respondent No.2 for approval of the Petitioner No.1's appointment, which came to be rejected by the impugned Order.

4. Mr. Patil, learned counsel appearing for the Petitioners submitted that the proposal came to be rejected for reason that the appointment was not through the Pavitra Portal, the prior permission was not obtained before publication of advertisement and it was not ascertained whether any surplus teachers are available. He submits that it is well settled by the decision dated 23rd April 2025 of this Court (*Aurangabad Bench*) in the case of *Kalyansing Indrasing Rajput Vs. The State of Maharashtra, Through its Principal Secretary (Writ Petition No. 10205 of 2024)*, that the Pavitra

Portal was not functional until June 2024 and in that case the proposal was directed to be approved as the appointment of the Petitioner therein was during the time when the Pavitra Portal was not functioning, which is the identical position in the present case. He would further submits that in so far as the rejection on the ground that the prior permission was not taken. He points out to the communication dated 16th August 2018 by the Petitioner Nos.2 and 3 addressed to the Respondent No.2 seeking permission. He submits that the grounds on which the proposal has been rejected is squarely unsustainable.

5. Mr. Mali, learned A.G.P. would support the impugned Order and would submit that there has to be compliance with the Government Resolution and as the recruitment was not done through the Pavitra Portal, the proposal has been rightly rejected.

6. There is no dispute about the fact that the Petitioner No.1 is duly qualified for appointment to the post of Shikshan Sevan. The issue as regards the recruitment process not having been routed through the Pavitra Portal has been led to rest by the decision in the case of *Kalyansing Indrasing Rajput Vs. The State of Maharashtra, Through its Principal Secretary* (supra) by the Co-ordinate Bench. As noted the factual position that from 2017 onwards until June 2024 the Pavitra Portal was not functional. There is no factual dispute raised in the present case to disturb

the factual finding which was arrived at by the Co-ordinate Bench that the Pavitra Portal was non functional at-least till June 2024. The Petitioner No.1 has been appointed on 24th September 2018, which is during the period that the Pavitra Portal was non functional. The rejection of the proposal on the ground that the recruitment process has not been routed through the Pavitra Portal which itself was non functional is unsustainable.

7. In so far as the rejection on the ground that no permission was obtained before publication of advertisement, the same constitutes erroneous finding in view of the communication dated 16th August 2018 addressed by the Petitioner Nos.2 & 3 to the Respondent No.2 seeking permission for issuing advertisement. The communication also contains an acknowledgment of receipt of the said communication, which evidences that permission was sought and there was no response. The rejection on the ground of prior permission for advertisement not having been obtained is thus unsustainable. Despite the communication of 16th August 2018 seeking permission to issue Advertisement, the Respondent No.2 failed to respond or send surplus teachers for being appointed. The Respondent Nos.2 & 3 were thus left with no option but to issue the advertisement.

8. In the light of the above discussion, the Petition succeeds.

9. The Writ Petition is allowed and Rule is made absolute 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 23-09-2022 / 07-10-2022 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 Shikshan Sevak with effect from 24-9-2018 and as an Assistant Teacher with effect from 24-9-2021.

(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 1-7-2019 with all consequential benefits.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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