

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1530 OF 2024

Pushpa Pandurang Dorugade] ... Petitioner

Versus

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

Mr. Satyajeet A. Rajeshirke (Through V.C.) a/w. Mr. Gautam Kulkarni, Mr. Rahul Vijaymane & Mr. Shubham Vasekar for the Petitioner.
Ms. T. J. Kapre, A.G.P. for the Respondent Nos.1 & 2-State.
Mr. Prashant Bhavake for Respondent Nos.3 & 4.

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 20th September 2022 passed by the Respondent No.2 - the Education Officer (Secondary), Zilla Parishad, Kolhapur, rejecting the proposal submitted for seeking individual approval to the appointment of the Petitioner as Shikshan Sevak in the Respondent No.4-School.

3. On 31st May 2020, one post of English subject teacher became vacant in Respondent No.4-School. On 22nd July 2020, the Respondent Nos.3 & 4 requested the Respondent No.2 to communicate about the availability of surplus teacher. There was no response by the Respondent No.2 and no surplus teacher was sent by the Respondent No.2. On 8th August 2020 the Respondent No.3 published an Advertisement for filling the vacancy. The Petitioner being duly qualified applied in response to the said Advertisement and was selected after following due procedure on 2nd September 2020.

4. On 14th September 2022 the Respondent No.4 submitted a proposal to Respondent No.2 for approval of the appointment of the Petitioner with effect from 2nd September 2020, which came to be rejected by the impugned Order dated 20th September 2022.

5. By the impugned Order the Respondent No.2 has rejected the proposal on two grounds. Firstly that the appointment of the Petitioner was not made through the Pavitra Portal as per the Government Resolution dated 23rd June 2017 and secondly that by Government Resolution on 4th May 2020 and 5th May 2020 there was a ban on recruitment.

6. Mr. Rajeshirke, learned counsel for the Petitioner submits that, in so far as the rejection on the ground of the appointment not being made through the Pavitra Portal, the issue is 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)*. He submits that, the order of the Co-ordinate Bench records that the Pavitra Portal was not functional until June 2024 and might be even thereafter. He submits that in the light of the said factual finding the proposal could not have been rejected on that ground. He would further submit that though the Respondent Nos.3 & 4 by communication dated 22nd July 2020 sought permission for issuance of Advertisement, there was no response by the Respondent No.2. He would further make a statement, on instructions, that there was a partial relaxation of the ban on 4th May 2021 and the ban on recruitment process was fully lifted on 31st October 2022. He submits that from the date of appointment of the Petitioner till 1st November 2022, the Petitioner will not claim the grant in aid in respect of salary or other benefits from the State Government.

7. Mr. Bhavake, learned counsel appearing for the Respondent Nos. 3 & 4-Management endorses the submission made by Mr. Rajeshirke that no benefits would be claimed by the Petitioner from the date of appointment i.e. 2nd September 2020 till 1st November 2022.

8. Ms. Kapre, learned A.G.P would support the impugned Order and would submit that as per the Government Resolution, the recruitment

process was required to be done only through Pavitra Portal and secondly there was a ban on recruitment and despite thereof the Respondent Nos.3 & 4 appointed the Petitioner, which proposal was rightly rejected.

9. It is not disputed that the Petitioner is duly qualified for the appointment of the post of Shikshan Sevak. In so far as the rejection on the ground that the recruitment process is not routed through the Pavitra Portal, the issue is no longer res-integra and has been settled by the decision in the case of *Kalyansing Indrasing Rajput Vs. The State of Maharashtra, Through its Principal Secretary* (supra). The Co-ordinate Bench has held that there was no factual dispute that from 2017 onwards till June 2024 and might be even thereafter the Pavitra Portal was not functional.

10. The Petitioner has been appointed on 2nd September 2020 i.e. during the period that the Pavitra Portal was non functional. The rejection of the proposal on the ground of the recruitment process has not been routed through the Pavitra Portal, which itself was non functional, is unsustainable. In so far as the second ground of rejection as regards the ban on recruitment is concerned, the learned counsel for the Petitioner as well as the Management have submitted before this Court that for the period from 2nd September 2020 till 1st November 2022 the Petitioner / Management will not claim the salary or any other monetary benefits from

the State Government.

11. The ban on recruitment was by reason of Covid-19 pandemic and to ensure that the finances of the Government are not strained by reason of these appointments. Considering the statement which has been on instructions, the approval to the appointment of the Petitioner would not burden the State exchequer. In the light of the statement made by the Petitioner and the Management, the second ground i.e. the ban on recruitment would not come in the way of granting approval to the proposal of the Petitioner.

12. In the light of the above, we allow the Writ Petition in terms of prayer clauses (a), (b) and (c) except the bracketed portion in prayer clause (c), which reads as under :

(a) This Hon'ble Court may be pleased to issue Writ of Certiorari or any other suitable Writ, Order or direction and thereby call for the record and proceedings in respect of an order dated 20/09/2022 passed by Respondent No.2 rejecting the proposal of approval for the appointment of the Petitioner as Shikshan Sevak for period 2/09/2020 to 1/09/2023 in Respondent No.4-School.

(b) This Hon'ble Court after considering legality, validity and priority of the order dated 20/09/2022 passed by Respondent No.2 rejecting the proposal of approval for the appointment of the Petitioner as Shikshan Sevak for period 2/09/2020 to 1/09/2023 in Respondent No.4-School be pleased to quash and set aside same.

(c) This Hon'ble Court may direct the Respondent No.2 to

consider and grant approval to the proposal of the Petitioner for appointment on the post of Shikshan Sevak w.e.f. 02/09/2020 and in the event of granting approval to include name in Shalarth I.D. ~~{and make payment of salary.}~~

13. During the period from 2nd September 2020 to 1st November 2022, the Petitioner will not be entitled to salary or other monetary benefits from the State Government and it will be the obligation of the Management to make the payment of salary to the Petitioner. The Petitioner will be entitled to the salary and other benefits from the State Government subsequent to 1st November 2022.

14. Rule is made absolute in the above terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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