

Shailaja

corrected vide order dated 16.09.2025

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1778 OF 2024

Pragati Ramesh Survase alias Pragati Parashram Jadhav and others	]	Petitioners
versus		
State of Maharashtra through Department of Education and others	]	Respondents

....

Mr. Sachin M. Bhavar i/b Mr. Siddheshwar N. Biradar, for Petitioners.

Mr. V.M. Mali, A.G.P, for Respondent – State.

....

**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ**

DATE : 11th SEPTEMBER, 2025.

ORAL ORDER: [Per M.S. KARNIK, J.]:

1. Heard Mr. Bhavar, learned Counsel for the Petitioners and Mr. Mali, learned A.G.P, for Respondent – State.

2. Petitioner No.1 is an Assistant Teacher, Petitioner No.2 – Someshwar Shikshan Prasarak Sanstha, Khatav is a Trust and Petitioner No.3 - Someshwar Vidyalaya, Khatav is a fully aided School run by Petitioner No.2 - Trust where Petitioner No.1 is working as an Assistant Teacher.

3. After promotion of one Mr. Dnyandeo Mallappa Sutar on the post of “Headmaster” on 1st June, 2019, a sanctioned post of “Assistant Teacher” for English subject was vacant in Petitioner No.3 – School. Respondent No.2 – Education Officer (Secondary) Zilla Parishad, Sangli by letter dated 3rd December, 2021 granted approval to the promotional post of Mr. Dnyandeo Mallappa Sutar with effect from 1st June, 2019. Petitioners No.2 and 3 in order to fill up the vacant post and also considering the fact that no female teacher was appointed in the said School, addressed a letter dated 5th June, 2019 to Respondent No.2, thereby requesting to appoint an Assistant Teacher through Pavitra Pranali Medium. Thereafter, by subsequent letters dated 13th June, 2019 and 19th June, 2019, Petitioner No.2 requested Respondent No.2 to grant permission to issue advertisement in order to fill up the said vacant post.

4. Petitioner No.3 received representation dated 27th June, 2019 from more than fifty parents of students studying in the School for immediately appointing the female teacher in the School and they even threatened to shift their children in other Schools. In the entire School, there was not a single female teacher. The Respondent No.2 did not respond to the letters written by Petitioner No.3 nor did he send any surplus teacher to be absorbed on the said post. In the interest of the students, Petitioners No.2 and 3 issued an advertisement on 1st July, 2019 calling applications from eligible candidates for appointment of “Assistant Teacher”. After following necessary procedure, Petitioners No.2 and 3 selected Petitioner No.1 by issuing an appointment order dated 27th July,

2019. Proposal for approval to the appointment of Petitioner No.1 sent by Petitioner No.3 vide communication dated 26th February, 2020 was not accepted by Respondent No.2. Petitioner No.3 – Management again sent proposal to Respondent No.2 for approval of appointment of Petitioner No.1 on 26th September, 2023. Certain queries were raised. Proposal was sent back. By communication dated 19th October, 2023, Respondent No.2 refused to grant approval to Petitioner No.1's appointment to the post of "Assistant Teacher", which according to the learned Counsel for the Petitioners was on completely erroneous and arbitrary grounds.

5. Learned A.G.P has relied upon a stand taken by the Education officer in the affidavit-in-reply filed on behalf of Respondent No.2. He has opposed the Petition vehemently.

6. We have perused the impugned order refusing to grant approval. The impugned order records that Education Officer (Secondary) noticed following deficiencies;

(a) The Institution has not sought permission as required as per the provisions of paragraph A-3 of the Government Resolution dated 06.02.2012 from this Office for giving the advertisement.

(b) As per the provisions of Government Resolution bearing No. CET-2015/M. No.149/TNT-1, dated 23.06.2017, issued by the School

Education and Sports Department, it is necessary to conduct the recruitment process by following the “Pavitra’ System and as the said appointment has been made after the date of issuance of the said Government Resolution, the same is not approved.

(c) The said proposal has not been submitted within the prescribed time limit as specified in the provisions at Sr. No.3 in Para No.1.4 of the Government Resolution dated 10th June, 2022.

(d) Provide information as to whether the said proposal was submitted earlier in the “Individual Approval Campaign” organized at the level of this office.

(e) No explanation has been submitted for the delay that has been caused in submitting the proposal.

(f) The up-to-date P.T.R Extract has not been provided.

However, in clause (2), it is clearly mentioned that as appointment of Petitioner No.1 is not through Pavitra Portal as required by Government Resolution dated 23rd June, 2017, hence, proposal for approval is rejected.

7. In our opinion, the post of “Assistant Teacher” pursuant to the promotion of then incumbent as “Headmaster” could not have been indefinitely kept vacant. Petitioners No.2 and 3 had requested the Education Officer (Secondary) by various communications to make appropriate appointment on the said post. As there was no response, Petitioners No.2 and 3 issued an Advertisement. Petitioner No.1 applied for the said post. Petitioner No.1 has all the requisite qualifications for being appointed as “Assistant Teacher”. Though appointments pursuant to the Government Resolution dated 23rd June, 2017 were to be made through “Pavitra Portal Medium”, it is an undisputed fact that till June, 2024 “Pavitra Portal” was not functioning. This Court in the case of **Kalayansing Indrasing Rajput and others Vs. The State of Maharashtra, through Its Principal Secretary and others, Writ Petition No.10205 of 2024** decided on 23rd April, 2025 has clearly held that if “Pavitra Portal” was not functioning till June, 2024, there is no reason to deprive those who are otherwise eligible to be appointed as “Assistant Teacher” and was appointed prior to Pavitra Portal being made functional. Merely because, there is delay in submitting the proposal is not a ground to refuse to grant approval. Even otherwise, Petitioner No.1 is duly qualified and eligible to be appointed as “Assistant Teacher”.

8. Petitioner No.2 is a registered Trust. There is no dispute that Petitioner No.3 is receiving 100% grant. Submission of the latest Trust document of Petitioner No.2 is consequential as the same is dependent on the Change

Report. Up-to-date PTR of the year 2022 has already been submitted. The said document was placed on record at the time of appointment of Petitioner No.1. Thus, necessary PTR is already on record.

9. In the light of the aforesaid, the impugned order/communication dated 19th October, 2023 issued by Respondent No.2 is, quashed and set aside.

10. Respondent No.2 is directed to grant approval within four weeks and the Respondent No.3 – Deputy Director, Education to enter name of Petitioner No.1 in Shalarth and to provide Shalarth ID to Petitioner within six weeks.

11. The Petition is allowed in terms of prayer clauses (a) and (b). No order as to costs.

12. The Petition is disposed of. No order as to costs.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]