

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9518 OF 2024

Prasad Tukaram Pawar & Anr. ... Petitioners

Versus

The State Of Maharashtra & Ors. ... Respondents

Mr. Narendra Bandiwadekar, Senior Advocate i/b. Ms. Ashwini Bandiwadekar for the Petitioners.

Mr. S. B. Kalel, A.G.P. for the Respondents-State.

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

Date : 3rd September 2025.

P. C. :

1. At the outset Mr. Bandiwadekar, learned Senior Advocate appearing for the Petitioners seeks leave to amend the prayer clause.

Leave granted. Amendment to be carried out within a period of one week from today.

2. The Petition impugns the Order dated 12th October 2023 issued by the Respondent No.3-the Education Officer (Secondary), Zilla Parishad, Ratnagiri, qua the Petitioner No.1 and seeks a direction to the

Respondent No.3 to grant approval to the appointment of the Petitioner No.1 as Assistant Teacher on partially aided post of the Petitioner No.2-School.

3. The Petitioner No.2 had made an application to the Respondent No.3 on 27th August 2021 seeking permission to publish the advertisement in order to fill up 20 posts of Assistant Teachers in its Secondary Schools, aided and un-aided. There was no response from the Respondent No.3, despite applications being made again on 17th August 2022 and 13th September 2022.

4. On 6th October 2022 the Respondent No.3 informed the Petitioner No.2 that there was ban on the recruitment of teachers vide Government Resolution (G.R.) dated 2nd May 2012 and therefore the requisite permission cannot be granted. That, the recruitment is required to be made only through the Pavitra Portal as per G.R.'s 23rd June 2017 and 20th June 2018.

5. On 13th October 2022 the Petitioner No.2 requested the Respondent No.3 to depute candidates to fill up the vacancies of the teachers as the permission for publishing advertisement was declined by the Respondent No.3. Despite thereof, the Respondent No.3 did not depute any surplus teachers or teachers selected through the Pavitra Portal.

6. On 19th March 2023, the Petitioner No.2 published the advertisement for filling up vacancies of Assistant Teachers on un-aided basis. The Petitioner No.1 being duly qualified applied in response to the said advertisement and was selected after following due procedure. The Petitioner No.1 came to be appointed as Assistant Teacher on un-aided post in the school of Petitioner No.2 with effect from 1st July 2023.

7. The proposal dated 3rd July 2023 was submitted to the Respondent No.3 seeking approval to the appointment of the Petitioner No.1 along with the other teachers, who were similarly recruited.

8. By the impugned Order dated 12th October 2023 the Respondent No.3 rejected the proposal submitted by the Petitioner No.2 on the sole ground that the appointment of Petitioner No.2 was not made through the Pavitra Portal, as per G.R.'s dated 23rd June 2017 and 20th June 2018.

9. Mr. Bandiwadekar, learned Senior Advocate appearing for the Petitioners submits that the issue is settled by the decision dated 23rd April 2025 of this Court in the case of ***Writ Petition No. 10205 of 2024 (Kalyansing Indrasing Rajput & Ors. Vs. The State of Maharashtra, Through its Principal Secretary & Ors.)***. 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 the

ground that the recruitment was not made through the Pavitra Portal.

10. Mr. Kalel, learned A.G.P. on the other hand would support the impugned Order and would submit that as per the G.R.'s dated 23rd June 2017 and 20th June 2018 the recruitment process has to be made only through the Pavitra Portal and not having done so the Respondent No.3 has rightly rejected the proposal submitted by the Petitioner No.2.

11. The issue involved in the present case is squarely covered by the decision of the Co-ordinate Bench in the case of *Kalyansing Indrasing Rajput & Ors. Vs. The State of Maharashtra, Through its Principal Secretary & Ors. (supra)*. The Co-ordinate Bench held that there was no factual dispute that from 2017 onwards until June 2024 and might be even thereafter the Pavitra Portal was not functional and considering that the rejection was only on the said ground, directed grant of approvals to the appointment of the Petitioners therein.

12. There is no material which has been placed on record, which would dispute the factual finding of the Co-ordinate Bench that the Pavitra Portal was not functional at-least until June 2024. In the present case, the Petitioner has been appointed with effect from 1st July 2023 i.e. during the period that the Pavitra Portal was non functional. The rejection of the proposal is solely on the ground of the recruitment process has not having been routed through the Pavitra Portal, which

itself was non functional and therefore the impugned Order is unsustainable.

13. In view of the above and following the decision in the case of *Kalyansing Indrasing Rajput & Ors. Vs. The State of Maharashtra, Through its Principal Secretary & Ors. (supra)*, the present Petition deserves to be allowed.

14. In the light of the above, we allow the Writ Petition in terms of prayer clause (b), which reads as under :

(b) By a suitable writ, order or direction, this Hon'ble Court may be pleased to quash and set aside the impugned order dated 12.10.2023 issued by the Respondent No.3, qua the Petitioner No.1 herein, and accordingly the Respondent No.3 may be directed to grant approval to the appointment of the Petitioner No.1 as Assistant Teacher on un-aided Division of the aided school of the Petitioner No.2 by name New English School, Kochari, Tal. Lanja, Dist. Ratnagiri w.e.f. 01.07.2023.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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