

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(9) WRIT PETITION NO.19452 OF 2024

Shri Changdev Dilip Kumbhar,)
Age : 34 Years, Occupation : Service,)
R/o. Maske Colony, Ekhatpur Road,)
Taluka : Sangola, District : Solapur)Petitioner

Versus

1. The State of Maharashtra,)
Through the Secretary,)
School Education and Sports Department,)
Mantralaya, Mumbai-400 032)
2. The Commissioner of Education)
School Education Department,)
Maharashtra State, Pune)
3. The Director of Education,)
(Secondary and Higher Secondary),)
Maharashtra State, Pune-1)
4. The Deputy Director of Education,)
Pune Region, Pune, Having office at 17,)
Dr. Babasaheb Ambedkar Road,)
Camp, Pune)
5. The Education Officer (Secondary),)
Zilla Parishad, Solapur,)
Having Office at Zilla Parishad Building,)
Solapur)
6. Sangola Taluka Shikshan Prasarak)
Mandal, Taluka : Sangola,)
District : Solapur,)
Through its President/Secretary)
7. Sangola Vidya Mandir Prashala & Junior)
College, Sangola, Taluka : Sangola,)
District : Solapur,)
Through its Head Master)Respondents

AND

(307) WRIT PETITION NO.15144 OF 2024

Shri Tanaji Babaso Kolekar,)
 Age : 34 Years, Occupation : Service,)
 R/o. A/P. Kombad Wadi, Kole,)
 Taluka : Sangola, District : Solapur)Petitioner

Versus

1. The State of Maharashtra,)
 Through the Secretary,)
 School Education and Sports Department,)
 Mantralaya, Mumbai-400 032)
 2. The Commissioner of Education)
 School Education Department,)
 Maharashtra State, Pune)
 3. The Director of Education,)
 (Secondary and Higher Secondary),)
 Maharashtra State, Pune-1)
 4. The Deputy Director of Education,)
 Pune Region, Pune, Having office at 17,)
 Dr. Babasaheb Ambedkar Road,)
 Camp, Pune)
 5. The Education Officer (Secondary),)
 Zilla Parishad, Solapur,)
 Having Office at Zilla Parishad Building,)
 Solapur)
 6. Sangola Taluka Shikshan Prasarak)
 Mandal, Taluka : Sangola,)
 District : Solapur,)
 Through its President/Secretary)
 7. Kola Vidya Mandir High School &)
 Junior College, Kola, Taluka : Sangola,)
 District : Solapur,)
 Through its Head Master)Respondents

AND**(308) WRIT PETITION NO.15145 OF 2024**

Shri Amol Chandrakant Kore,)
 Age : 41 Years, Occupation : Service,)

R/o. Vajrabad Peth,)
 Taluka : Sangola, District : Solapur)Petitioner

Versus

1. The State of Maharashtra,)
 Through the Secretary,)
 School Education and Sports Department,)
 Mantralaya, Mumbai-400 032)
 2. The Commissioner of Education)
 School Education Department,)
 Maharashtra State, Pune)
 3. The Director of Education,)
 (Secondary and Higher Secondary),)
 Maharashtra State, Pune-1)
 4. The Deputy Director of Education,)
 Pune Region, Pune, Having office at 17,)
 Dr. Babasaheb Ambedkar Road,)
 Camp, Pune)
 5. The Education Officer (Secondary),)
 Zilla Parishad, Solapur,)
 Having Office at Zilla Parishad Building,)
 Solapur)
 6. Sangola Taluka Shikshan Prasarak)
 Mandal, Taluka : Sangola,)
 District : Solapur,)
 Through its President/Secretary)
 7. Nazra Vidya Mandir High School &)
 Junior College, Nazra, Taluka : Sangola,)
 District : Solapur,)
 Through its Head Master)Respondents

AND

(309) WRIT PETITION NO.15146 OF 2024

Shri Samiran Sanjeev Nakil,)
 Age : 41 Years, Occupation : Service,)
 R/o. Deshpande Galli,)
 Taluka : Sangola, District : Solapur)Petitioner

Versus

1. The State of Maharashtra,)
Through the Secretary,)
School Education and Sports Department,)
Mantralaya, Mumbai-400 032)
2. The Commissioner of Education)
School Education Department,)
Maharashtra State, Pune)
3. The Director of Education,)
(Secondary and Higher Secondary),)
Maharashtra State, Pune-1)
4. The Deputy Director of Education,)
Pune Region, Pune, Having office at 17,)
Dr. Babasaheb Ambedkar Road,)
Camp, Pune)
5. The Education Officer (Secondary),)
Zilla Parishad, Solapur,)
Having Office at Zilla Parishad Building,)
Solapur)
6. Sangola Taluka Shikshan Prasarak)
Mandal, Taluka : Sangola,)
District : Solapur,)
Through its President/Secretary)
7. Sangola Vidyamandir Prashala &)
Junior College, Sangola, Taluka : Sangola,)
District : Solapur,)
Through its Head Master)Respondents

AND

(310) WRIT PETITION NO.15147 OF 2024

Shri Ajitkumar Prakash Pailwan,)
Age : 41 Years, Occupation : Service,)
R/o. Jaibhavani Chowk, Vajrabad Peth,)
Taluka : Sangola, District : Solapur)Petitioner

Versus

1. The State of Maharashtra,)
Through the Secretary,)
School Education and Sports Department,)

- Mantralaya, Mumbai-400 032)
2. The Commissioner of Education)
School Education Department,)
Maharashtra State, Pune)
3. The Director of Education,)
(Secondary and Higher Secondary),)
Maharashtra State, Pune-1)
4. The Deputy Director of Education,)
Pune Region, Pune, Having office at 17,)
Dr. Babasaheb Ambedkar Road,)
Camp, Pune)
5. The Education Officer (Secondary),)
Zilla Parishad, Solapur,)
Having Office at Zilla Parishad Building,)
Solapur)
6. Sangola Taluka Shikshan Prasarak)
Mandal, Taluka : Sangola,)
District : Solapur,)
Through its President/Secretary)
7. Sangola Vidya Mandir Prashala &)
Junior College, Sangola, Taluka : Sangola,)
District : Solapur,)
Through its Head Master)Respondents

Mr. Sushant A. Khatake for the Petitioner in all Petitions.
Mr. V.G. Badgujar, AGP for the State in WP/19452/2024.
Mr. A.K. Naik, AGP for the State in WP/15144/2024.
Mr. A.C. Bhadang, AGP for the State in WP/15145/2024.
Mr. S.B. Kalel, AGP for the State in WP/15146/2024.
Mr. P.P. Kakade, Addl. GP a/w. Ms. Nisha Mehra, AGP for the State
in WP/15147/2024.
Mr. Utkarsh S. Desai for Respondent Nos.6 and 7 in all Petitions.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**
DATE : 2nd APRIL, 2025

ORAL JUDGMENT (PER RAVINDRA V. GHUGE, J.) :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. Considering several orders passed by this Court and the law laid down by this Court in ***Pramod Prabhakar Pokale v/s. State of Maharashtra and Ors.***¹, we have no reason to keep these Petitions pending. It is crystalised law that once the approval has been granted and the said approval is intact, the Authority vested with the jurisdiction to deal with the proposal for granting Shalarth ID, has to only inquire into whether the approval order is authentic, keeping in view that when an approval to an appointment is granted, the competent Authority conducts an in-depth verification exercise and after considering the entire record, that an approval is granted. Such grant of approval cannot be revisited by the higher Authority which has jurisdiction only to entertain a proposal for grant of the Shalarth ID.

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3. It is an admitted position that the approval is intact and no inquiry has been initiated under any provision of law to assess whether the approval was granted due to any fraudulent act.

4. In view of the above, **these Petitions are partly allowed.**

5. The impugned orders passed by Respondent No.4, all dated 28th November, 2023 in these Petitions, refusing Shalarth ID, are quashed and set aside.

6. We direct Respondent No.4 to grant the Shalarth ID to the Petitioners within 15 days from today. All consequential proceedings for grant of service benefits, including arrears, would be initiated by the concerned Authorities, expeditiously.

7. **Rule is made partly absolute** in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)