

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19146 OF 2024

Avdhut Gorakhnath Kumbhar & Ors. ... Petitioners

Versus

The State Of Maharashtra & Ors. ... Respondents

Mr. Prashant Bhavake for the Petitioners.

Mr. S.B. Kalel, A.G.P for the Respondent.

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

Date : August 19, 2025.

ORAL ORDER (PER : M. S. Karnik, J.)

1. By this Petition under Article 226 of the Constitution of India, the Petitioners are challenging the Order dated 17th October 2024 passed by the Respondent No.5-Education Officer, rejecting the proposal of the Petitioner No.1 for individual approval. The proposal for appointment of the Petitioner No.1 was made by the Petitioner No.2-Educational Institution in the post of 'Art Teacher' at the Petitioner No.3-Secondary School.

2. Petitioner No.1 possesses the HSC, ATD qualification. The Petitioner No.1 belongs to OBC category. On 28th August 2021 and 29th August 2021 the Petitioner No.2-Educational Institution published advertisement in two daily newspapers i.e. Dainik Satyawadi and Dainik Loksevak, for recruitment of post of 'Art Teacher' at Petitioner No.3-Secondary School. The Petitioner No.1 applied for the said post. After completing the selection process, by a resolution dated 19th September 2021, the Petitioner No.2-Educational Institution appointed the Petitioner No.1 in the post of 'Art Teacher' at the Petitioner No.3-Secondary School.

3. An Order of appointment dated 24th September 2021 came to be issued by appointing the Petitioner No.1 in the post of 'Art Teacher' on probationary basis for three years under Shikshan Sevak Scheme at Petitioner No.3-Secondary School with effect from 1st October 2021. The proposal was forwarded to the Respondent No.5-Education Officer seeking individual approval to the appointment of the Petitioner No.1. The Respondent No.5-Education Officer rejected the said proposal on 17th October 2024.

4. Learned A.G.P. invited our attention to the impugned Order. Learned A.G.P. submits that the recruitment process of the Petitioner No.1 is not through Pavitra Portal. It is the contention that there are several deficiencies mentioned in the proposal which were not rectified by the

Petitioner No.2-Management and hence the proposal came to be rejected.

5. We have perused the Affidavit-in-Reply filed by the Respondents. The stand taken in the Affidavit-in-Reply is that the selection process of the Petitioner No.1 is not through the Pavitra Portal. It is pertinent to note that the Government Resolution regarding the appointment process to be made through the Pavitra Portal is dated 23rd June 2017. The Petitioner No.1 was appointed on 24th September 2021 with effect from 1st October 2021. Admittedly, as on that date the Pavitra Portal was not functional.

6. The issue involved in the present Petition is squarely covered by the decision dated 23rd April 2025 of this Court in Writ Petition No. 10205 of 2024 (Kalyansing Indrasing Rajput & Ors. Vs. The State of Maharashtra, Through its Principal Secretary & Ors.). In the said decision, this Court has observed that from 2017 onwards until June 2024 and might be even thereafter the Pavitra Portal was not functional.

7. In the present case the only ground for not granting approval to the appointment of the Petitioner No.1 as can be seen from the Affidavit-in-Reply is that the appointment of the Petitioner No.1 is not through the Pavitra Portal. Though, the learned A.G.P made an attempt to contend that there are several deficiencies in the proposal, however we find that the averments made in the writ petition regarding the fulfillment of the

conditions is not denied by the Respondents. The only ground raised by the Respondents in the Affidavit-in-Reply is that the Petitioner No.1's appointment was not through the Pavitra Portal.

8. In this view of the matter, we have no hesitation in allowing the Petition and hence, following Order is passed :-

- (i) The impugned Order dated 17th October 2024 is set-aside.
- (ii) The appointment of the Petitioner No.1 in the post of 'Art Teacher' with effect from 1st October 2021 be approved by granting individual approval to the appointment of the Petitioner No.1 in the post of 'Art Teacher' with effect from 1st October 2021 under the Shikshan Sevak Scheme.
- (iii) Further the individual approval be granted to the appointment of the Petitioner No.1 on permanent Art Teacher in the regular pay scale with effect from 1st October 2024 within a period of six weeks from today.
- (iv) Salary – honorarium payable to the Petitioner No.1 with all arrears be paid within 16 weeks from the date of issuance of Shalarth I.D. to the Petitioner No.1.
- (v) The Petitioner No.2-Management shall forward the necessary proposal immediately to the Education Officer and/or other proposals for giving effect to this Order.
- (vi) Writ Petition is allowed in the aforesaid terms.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik]

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