

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
(SR. NO.901) WRIT PETITION NO.3202 OF 2022

1. Subhangi Mahesh Borade,
Age 38 yrs. Occ. Service
r/o Akluj, Tq. Malshiras,
Dist. Solapur.
2. Sunita Abhiman Gaikwad,
Age 43 yrs. Occ. Service
r/o Sarati, Tq. Indapur, Dist. Pune.
3. Shabana Ismail Mujawar,
Age 30 yrs. Occ. Service,
r/o Sarati, Tq. Indapur, Dist. Pune.
4. Madhurani Nagnath Dhavale,
Age 40 yrs. Occ. Service,
r/o Kandar, Tq. Karmala, Dist. Solapur.
5. Suchita Dilip Patil,
Age 33 yrs. Occ. Service,
r/o Wagholi, Tq. Malshiras,
Dist. Solapur.
6. Sheeta Prakash Kengale,
Age 32 yrs. Occ. Service,
r/o Raut Nagar, Akluj,
Tq. Malshiras Dist. Solapur.
7. Tabassum Bashir Shaikh,

- Age 32 yrs. Occ. Service,
r/o Panchwati, Malinagar,
Tq. Malshiras, Dist. Solapur.
8. Reshma Ravindra Maske,
Age 32 yrs. Occ. Service,
r/o at Shevre, post Narshinhapur
Tq. Madha, Dist. Solapur.
9. Kavita Rahul Awatade,
Age 32 yrs. Occ. Service,
r/o Falwani, Tq. Malshiras,
Dist. Solapur.
10. Rupali Rahul Pawal,
Age 32 yrs. Occ. Service,
r/o Malinagar, Tq. Malshiras,
Dist. Solapur.
11. Jyoti Appasaheb Mane,
Age 31 yrs. Occ. Service,
r/o Wagholi, Tq. Malshiras, Dist. Solapur.
12. Parvati Chandrakant Shete,
Age 31 yrs. Occ. Service,
r/o Sarati, Tq. Indapur, Dist. Pune.
13. Varsha Sarang Kanhere,
Age 32 yrs. Occ. Service,
r/o Ganeshnagar, Akluj
Tq. Malshiras, Dist. Solapur.
14. Rameshwari Ramchandra Shinde,

Age 30 yrs. Occ. Service,
r/o Bawada, Aglawe Vasti,
Tq. Indapur, Dist. Pune.

....Petitioners

versus

1. The State of Maharashtra,
Through its Secretary,
Education Department
Mantralaya, Mumbai-32
2. Director of Education (Primary)
Maharashtra State, Pune.
3. Deputy Director of Education,
Pune Division, Pune.
4. The Education Officer (Primary)
Zilla Parishad, Pune.
5. Jijamath Shikshan Prasarak Mandal,
Sarati, Tq. Indapur, Dist. Pune,
Through its President/Secretary.
6. Jijamata Prathamik Vidyalaya,
Sarati, Tq. Indapur, Dist. Pune,
Through Head Master.

....Respondents

AND

(SR. NO.502) WRIT PETITION NO.4450 OF 2025

1. Pravin s/o Vishnu Dhumal,
Age 35 yrs. Occ. Service
as Assistant Teacher,

r/o Sarati, Tq. Indapur, Dist. Pune.

2. Azar s/o Ibrahim Bagwan,
Age 34 yrs. Occ. Service
as Assistant Teacher,
r/o Sarati, Tq. Indapur, Dist. Pune.

3. Santosh S/o. Zumbhar Gavali,
Age 35 yrs. Occ. Service as
Assistant Teacher,
r/o Sarati, Tq. Indapur, Dist. Pune.

4. Mahadev s/o Baba Dhobale,
Age 35 yrs. Occ. Service
as Assistant Teacher,
r/o Sarati, Tq. Indapur, Dist. Pune.

5. Amar s/o Vaman Kale,
Age 38 yrs. Occ. Service
as Assistant Teacher,
r/o Sarati, Tq. Indapur, Dist. Pune.

6. Pintu S/o Shivaji Jadhav,
Age 32 yrs. Occ. Service
as Assistant Teacher,
r/o Sarati, Tq. Indapur, Dist. Pune.

7. Yogita d/o Shivshankar Harke,
Age 32 yrs. Occ. Service
as Assistant Teacher,
r/o Sarati, Tq. Indapur, Dist. Pune.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Education Department
Mantralaya, Mumbai-32
2. Director of Education (Primary)
Maharashtra State, Pune.
3. Deputy Director of Education,
Pune Division, Pune.
4. The Education Officer (Primary)
Zilla Parishad, Pune.
5. Jijamath Shikshan Prasarak Mandal,
Sarati, Tq. Indapur,
Dist. Pune, Through its
President/Secretary.
6. Jijamata Prathamik Vidyalaya,
Sarati, Tq. Indapur, Dist. Pune,
Through Head Master. ...Respondents

Mr. Sujeet G. Karlekar a/w Mr. Akshay S. Karlekar i/by. Mr. Vilas S. Panpatte, Advocate for the Petitioners in WP/3202/2022.

Mr. Sujeet G. Karlekar a/w Mr. Akshay S. Karlekar i/b. Mr. Shrirang Katneshwarkar, Advocate for the Petitioners in WP/4450/2025.

Mrs. Pratibha D. Shelake, Advocate for Respondent Nos.5 and 6 in WP/3202/2022.

Mr. S.B. Kalel, AGP for Respondent Nos.1 to 3 in WP/3202/2022 and for Respondent Nos.5 and 6 in WP/4450/2025.

None for Respondent No.4 in WP/3202/2022.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 1st APRIL, 2025

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

1. Writ Petition No. 4450 of 2025 is not on board. By consent of the parties, taken on the production board.

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

3. The 14 Petitioners are the employees of Respondent Nos.5 and 6. They have put forth prayer clauses (B), (C), (D), (E) and (F), as under:

“(B) To hold and declare that, the respondent no. 6 school is eligible and entitled for getting grant in aid to their post sanction in staffing pattern for the academic year 2012-2013.

(C) By issue of Writ of Mandamus or order for direction in the like nature, the respondent nos. 1 to 4 may kindly be directed to release their salary and arrears as per the Government Resolution dated 15.11.2011 as well as assessment made by the authority and stages of grants which are made applicable to the post of petitioners since June 2012 onwards.

(D) By issue of Writ of mandamus or Order

or direction in the like nature, the Respondent No. 1 to 4 may kindly be directed to declare the post of petitioners for getting 20% grants according to the G.R. dt. 19.9.2016 (Exh. H) working with respondent no. 5 in view of the staff approval for the academic year 2015-2016.

(E) By issue of Writ of mandamus or Order or direction in the like nature, the Respondent No. 1 to 4 may kindly be directed to act and implement the G.R. dt. 19.9.2016 (Exh. H) and G. R. dt. 15.11.2011 (Exh. U) in its true spirit and more particularly in view of the condition no. 2 of the said G.R. and grant in aid to the post of petitioners.

(F) By issue of Writ of mandamus or Order or direction in the like nature, the Respondent No. 1 to 4 may kindly be directed to include the names of petitioners in Shalarth I.D. with further directions to sanction, release/disburse the arrears and salary over their posts accordingly since March 2017 till today in view of the bills submitted to the office of respondent no. 4 Education Officer (Exh. S) with interest on delayed payment.”

4. The Management has tendered its Affidavit-in-Reply dated 27th January, 2025. A chart is placed before us in which the names of the 14 Petitioners are mentioned, their qualifications are indicated, their social status is also mentioned and the dates on which their appointments were granted approvals, are mentioned in the last column, at page no.260-A. The Petitioners were granted approvals as per the serial order on the following dates:

मान्यता नेमणूक
19/06/2006
16/06/2008
14/06/2010
14/06/2011
15/06/2012
15/06/2012
15/06/2012
15/06/2012
15/06/2012
15/06/2012
15/06/2012
15/06/2012
15/06/2013
15/06/2013

5. It is undisputed that the Respondent No.5 Management has received the sanction to start the said school i.e. Respondent No.6, at Village Sarati, Taluka Indapur, District Pune, by the State Government on 30th June, 2005. The Deputy Director of Education has also passed an order granting such permission on 22nd March, 2006. The said school began imparting education on 'permanent no grant basis'. Subsequently, the school was granted sanction for the natural growth to run classes that were required to be started as per the natural growth of the school. Additional divisions depending upon the strength of the students were also granted. Such

permissions are placed on record, from page nos.41 to 54.

6. The school received sanction for the staffing pattern which kept on growing from time to time. By the Academic Year 2012-13, the sanctioned staff of teaching category increased to 37. Staff approvals are also placed on record. Taking into account the strength of the students in the light of the Right of Children to Free and Compulsory Education Act, 2009 (**RTE Act**), the proposed teaching staff was to be increased up to 91 posts.

7. There is no dispute that advertisements were published and the teachers were recruited from time to time. The Government issued a GR dated 15th November, 2011 for making an assessment of the classes (Mulyankan) for the purpose of enabling the classes to receive grants. An inspection was carried out and the entire school was assessed. A report running into 348 pages was tendered and it was concluded that the score of the school was 96 out of 100 and was, therefore, held to be eligible for the grants. This report is also placed on record. The report indicates that 37 Divisions from 1st Standard to the 7th Standard, were required. As per the Government Resolution (G.R.) dated 15th November, 2011, the Respondent No.1 State sanctioned 20% grants to the respective schools including

Respondent No.6 School, albeit to the extent of 6 posts only for the said school, vide a further GR dated 1st March, 2014.

8. Respondent No.1 issued another GR dated 19th September, 2016 and modified its earlier order and decided to make the assessment in the light of the purpose for which the GR was issued, which reads as under:

"विनाअनुदान" व "कायम विनाअनुदान" तत्वावर परवानगी दिलेल्या व मूल्यांकनात पात्र घोषित करण्यात आलेल्या मान्यताप्राप्त खाजगी प्राथमिक व माध्यमिक शाळांना द्यावयाच्या अनुदान सूत्रामध्ये सुधारणा करून सरसकट २० टक्के प्रमाणे अनुदान देणेबाबत..."

9. The Education Officer (Primary) Zilla Parishad, Pune addressed a communication dated 24th August, 2018 to the Deputy Director of Education, Pune clearly mentioning the details of Respondent No.6 School and recorded that the Director of Education has approved the staffing pattern for the year 2015-16, thereby approving one post of Head Master, 5 Graduate Teachers and 32 Assistant Teachers.

10. The said communication is self-explanatory. A reference was made to the letter of Shri. R.G. Gunjal, Deputy

Secretary, State of Maharashtra, dated 25th January, 2017 wherein a list of 9 schools is mentioned. Respondent No.5 School is at serial no.9. The existing posts with 20% grants are mentioned. The staffing pattern approving 38 posts is also mentioned. The fact that Shalarth I.D. was received and the payments were being made for 30 posts, is also set out. However, in the remarks column, it is mentioned that the Shalarth I.D. has not been given and the school is deprived of the grants.

11. A serious grievance is made by the Petitioners and are supported by the Management that, out of this list of 9 schools, the first 8 schools have been granted the Shalarth I.D., as well as, the grants. It is only Respondent No.6 School which has been deprived of the Shalarth I.D. and, therefore the grants.

12. The learned AGP has vehemently canvassed on the basis of the Affidavit-in-Reply that only 6 posts are sanctioned with the Respondent No.6 School. Much *ado* is made about this aspect and it is canvassed that because 6 posts were sanctioned, other posts cannot be extended the grants.

13. In the above context, we refer to the communication dated 24th August, 2018 addressed by the Education Officer

(Primary) Zilla Parishad, Pune to the Deputy Director of Education, Pune with reference to Respondent No.6 School stating therein that the Director of Education, based on the staffing pattern of 2015-16, has approved 1 post of Head Master, 5 posts of Graduate Teachers and 32 posts of Assistant Teachers. The report, therefore, indicates that out of the 32 Assistant Teachers whose posts are sanctioned as per the staffing pattern, 29 Assistant Teachers are eligible for the grants and such grants are not being released by the State.

14. Our attention is drawn to the communication dated 18th June, 2020 by the Education Officer (Primary), Pay and Provident Fund Pathak, Pune-1 addressed to Head Masters of 9 schools. Respondent No.6 School is at serial no.7. Two schools identified as Mahatma Gandhi Primary School, Uruli Kanchan and Swami Vivekanand Primary Vidhya Mandir, Uruli Kanchan, are also mentioned. All these 9 schools are directed to place the details of the approved posts, the appointments made, the payments to be made for facilitating payment of salary through the Shalarth Pranali.

15. The said two schools at serial nos.8 and 9, namely, Mahatma Gandhi Primary School, Uruli Kanchan and Swami Vivekanand Primary Vidhya Mandir, Uruli Kanchan, approached

this Court. By an order dated 29th August, 2024 in Writ Petition No.5306 of 2022, this Court noted the communication issued by the Director of Education to the State Government dated 18th March, 2024 in respect of Petitioner Nos.1 to 21, by which, their salaries were recommended. Hence, these Petitioners withdrew their names from the Petition as they had received the benefits.

16. The learned Advocate for the Petitioners has drawn our attention to an earlier GR dated 4th August, 2015, more specifically, the reference made by the Government to an order of the High Court dated 16th July, 2014 in Writ Petition No.8478 of 2013 and it was noted that in a school being operated in an educationally backward region, should be scoring 65% out of 100 marks in the assessment and other schools must score 70% marks. Insofar as Educational achievements are concerned, the schools must score 75% out of 50 marks (37 marks) for being eligible for grant-in-aid. It is undisputed that the school before us has scored 96 out of 100.

17. The learned AGP has consistently canvassed on the basis of the Affidavit-in-Reply filed by Shri. Audumber Ukirade, Deputy Director of Education, dated 3rd August, 2022 that because 6 posts were sanctioned, Respondent No.6 was eligible to receive only

20% grants *qua* the 6 posts. This contention runs counter to the assessment made by the Deputy Secretary of the State of Maharashtra on 25th January, 2017 concluding that the approved strength as per the staffing pattern is 38, as against only 6 posts which are being granted 20% aid. 30 posts are not granted the aid only because the Shalarth I.D. has not been granted.

18. It is settled law in the light of ***Pramod Prabhakar Pokale versus State of Maharashtra, 2019(3) Bom. C.R. 273***, that once approval is granted by the Education Officer to the employees of the school, the Deputy Director of Education has to grant Shalarth IDs to such employees by entering their school in the Shalarth Pranali. There is no dispute that the approvals of these Petitioners Employees is intact.

19. Our attention is drawn to a communication which is in the form of an Inquiry Report tendered by the Extension Officer Education (Primary), Pune Zilla Parishad, dated 27th April, 2021 to the Education Officer (Primary), Pune Zilla Parishad. The said report is based on three complaints made by the following persons:

(a) Shri. Angad Bhosale, Vice President of Chatra Shikshak Kruti Sanstha, Wadgaon Sheri, Pune;

(b) Shri. Eknath Sopanrao Ambale, Head Master, Swami Vivekanand Primary Vidhya Mandir, Yamuna Nagar, Nigdi, Pune and

(c) Shri. Komal Wani, President Bhatkya Vimukt Jati, Jamati Cell, Hadapsar Vidhansabh Matdarsangh, Pune.

It was based on the complaint of the aforesaid persons that the offline payment of the grants to the appointments made by Respondent No.6, were stopped after a brief period of around four months, purportedly on the ground that only 6 posts were sanctioned.

20. We have recorded the dates on which the Petitioners received their approvals. Some of them have received approvals in 2006, 2008, 2010, 2011 and the majority in 2012-13. Despite the passage of almost 19 years in one case, 17 years in another, 15 years in one more case and almost 12 years in other cases, that the grants are yet to be paid to the posts on which these Petitioners are working for the last more than one and half decades. Consistently, the Education Officer has tendered reports which have been adverted to in the foregoing paragraphs indicating the staffing pattern and the sanctioned posts for the school. The assessment of

the school indicates 96% marks.

21. The staffing pattern indicates that there are 38 posts which are sanctioned and out of which 30 are without Shalarth I.D. The report of the Deputy Secretary of the State Government dated 25th January, 2017 indicates that the staffing pattern sanctions 38 posts for the school from 2015-16 and 30 posts are not granted Shalarth I.D. as a result of which the salary grants are not being extended.

22. As a consequence of these developments, the State Government has issued the GR dated 19th September, 2016, the Marathi subject which is reproduced herein above in paragraph no.7. The said subject means that those schools in which the staffing pattern has been done and who were earlier granted permission to start schools on permanent no grant basis, the State had deleted the word permanent and converted such schools into, initially no grants and subsequently with grant of 20% to begin, with in a sweeping manner (sarsakat).

23. Considering the prayer of the Petitioners as well as the Management, that such grants should be made available by virtue of the GR dated 19th September, 2016, that this **Writ Petition** is

allowed. The payment of grants to be extended to the sanctioned posts as per the staffing pattern, shall commence by virtue of the GR dated 19th September, 2016, beginning with 20% grants per year. It is undisputed that the Government has introduced resolutions which mandates an increase of 20% grants in each academic year, for illustration, 20% in the first year, 40% in the second, 60% in the third, 80% in the fourth and 100% grants in the fifth. Let such calculations be made by the Competent Authority of the State Government considering the staffing pattern which sanctions 38 posts, by virtue of the said GR, within a period of 60 days and the payment with arrears shall be made within a further period of 30 days.

24. Rule is made absolute in the above terms.

25. In the light of the above reasons and conclusions, **Writ Petition No.4450 of 2025**, with the same directions, stands **disposed off**.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)