

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6793 OF 2024

Laxman Kashiram Chaure & Anr.Petitioners

versus

The State of Maharashtra Through

The Secretary & Ors.Respondents

Mr. Narendra V. Bandiwadekar a/w Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire and Ms. Ashwini N. Bandiwadekar, Advocate for the Petitioner.

Mr. V.M. Mali, AGP for the Respondent – State.

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

DATE : 6th FEBRUARY, 2025

P.C. :-

1. This is yet, one more such order wherein Shalarth I. D. has been refused to the Petitioner, though his appointment and service has been approved, only for the reason that the Subordinate Officer to the Deputy Director of Education did not place the original approval order, before him.

2. In such identical matters, we have set aside the order with the observations that it is the Senior Officer who has to ensure that the original approval order is placed before him, while considering the proposal for grant of Shalarth I. D. and his Subordinate Officer should produce such document. We have also recorded that in such circumstances, the proposal should not be rejected, since such an order is not only counter productive, but leads to unnecessary litigation. We have also imposed nominal cost on various Deputy Directors of Education. Yet, the same mistakes are being committed and similar orders are being passed.

3. In view of the above, this **Writ Petition is partly allowed**. The impugned order dated 24th May, 2023 passed by the Respondent No.4, Mr. Sandeep Sangave, Deputy Director of Education, Mumbai Region, Mumbai is quashed and set aside.

4. The Respondent No.3 is directed to produce the original approval order pertaining to the Petitioner before Respondent No.2, within 21 days from today. Thereafter, Respondent No.2 would verify the records and if the approval is intact, grant Shalarth I.d. within 15 days thereafter.

5. If the Petitioner is held entitled for Shalarth I.D., all the arrears of salary of the Petitioner shall be calculated and be paid within 30 days of the grant of the Shalarth I.D. and regular salary shall be paid in accordance with the procedure applicable. We leave it to Respondent No.2 to warn Respondent No.3 in writing, for having not assisted him in deciding this matter on its merits.

6. In so far as the costs are concerned, the same Deputy Director of Education has earlier suffered imposition of costs of Rs. 3,30,000/-, in Contempt Petition No.379 of 2024 (11 CPs). Though the law is crystallized that once an employee of the teaching staff is granted approval to his appointment, Shalarth I.D. has to be granted in order to facilitate payment of monthly salary through the Shalarth Portal. Yet, the said Officer continues to pass orders refusing the Shalarth I.D. Hence, we are imposing costs of **Rs. 10,000/-** which the said Officer (Mr. Sandeep Sangave, Deputy Director of Education, Mumbai Region, Mumbai) would deposit in this Court within 30 days, from his salary bank account.

7. By consent of the Petitioner, the above stated amount shall be transferred by the Registry to The High Court Employees Medical Welfare Fund at Mumbai, on the following details:-

The High Court Employees Medical Welfare Fund at Mumbai.

Account Number	: 000120110001337
Bank	: Bank of India
Branch	: Mumbai Main
IFSC Code	: BKID0000001

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)