

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11391 OF 2024

Bhairavnath Charitable Trust
Through Its Secretary And Ors. ...Petitioners

Versus

The State of Maharashtra
Through The Secretary And Ors. ...Respondents

**WITH
WRIT PETITION NO. 13875 OF 2024**

Rupeenagar Shikshan Prasrak Mandal
Through Secretary Shri. S. D. Bhase And Ors. ...Petitioners

Versus

The State of Maharashtra
Through The Secretary And Ors. ...Respondents

**WITH
WRIT PETITION NO. 1554 OF 2025**

Madarsa Imdadul Uloom Yusufiya And Ors. ...Petitioners

Versus

The State of Maharashtra
Through Secretary And Ors. ...Respondents

**WITH
WRIT PETITION NO. 10713 OF 2025**

Keshavraj Shikshan Sanstha Markal And Ors. ...Petitioners

Versus

The State of Maharashtra
Through The Secretary And Ors. ...Respondents

Mr. Shrishail Sakhare, Advocate for the Petitioners.
Mr. S. H. Kankal, AGP for the State/Respondent No. 1 in
WP/11391/2024.
Mr. P. N. Diwan, AGP for the State/Respondent No. 1 in
WP/13875/2024.

Mr. Aditya Deolekar, AGP for the State/Respondent No. 1 in WP/1554/2025.

Mr. D. S. Deshmukh, AGP for the State/Respondent No. 1 in WP/10713/2025.

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

DATE : 11th SEPTEMBER 2025.

P.C. :

1. In all these matters, the identically placed Petitioners are aggrieved that their transfers from the un-aided establishments to the 20% aided establishments under Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, have not been accorded approval by the competent authority only for the reason that these Petitioners were granted individual approvals to their appointments on un-aided establishments, in the “Individual Approval Camp”. Such camps were routinely held by the Education Department.

2. While considering the proposals forwarded by the management for approval to the transfers from un-aided establishments to the 20% aided establishments, the concerned authority has to verify as to whether the Petitioner, in the first place, has received an approval to his appointment on un-aided establishment. If the approval is not in existence, then it would

tantamount to an unauthorized appointment.

3. In all these cases, though the photostat copies of such approvals are placed on record, the authorities who have maintained the inward and outward registers, do not find that such approval orders were released after being recorded in the outward registers. In short, the transmission of these approvals, which should find a mention in the outward registers, is not found in such registers. The outward number on the approval order does not match with the entries made in the outward registers.

4. This is a peculiar situation. On the one hand, the Petitioners have approval orders to their appointments made on the un-aided establishments. On the other hand, the competent authority is unable to trace out the records pertaining to the issuance of such approval orders and the transmission to the management, which has to be mentioned in the outward registers.

5. The Division Bench of this Court at the Aurangabad Bench has delivered a judgment in the case of *Pramod Prabhakar Pokale v/s. State of Maharashtra and Others*¹ concluding that once an approval is legally granted to the appointment of an employee,

¹ AIR OnLine 2019 Bom 30.

while entertaining a proposal for e.g. for transfer to the aided establishment or for any other reason including the reason for grant of Shalarth ID, the approval can not be cancelled. It is only when the department notices a glaring fraud in the authenticity of such approval order, that a particular procedure can be followed to deal with the situation.

6. In view of the peculiar facts and circumstances discussed above, we find that it would be appropriate to direct the authority dealing with the proposals forwarded by the management with regard to these Petitioners, to verify the approvals granted to these Petitioners. The Education Officers, who have signed the orders issuing approvals in the Camps held by the department, shall also be called upon to make a statement as regards their signatures on the approval orders. It would be in the interest of justice that the management as well as the concerned employees are given an opportunity of personal hearing in order to find out whether the authenticity of approval orders could be questioned.

7. After completing such exercise, if the approvals are found to be in order, the competent authority can accord its sanction to the proposal forwarded by the management seeking

transfer of these Petitioners from the un-aided establishments to the partially aided establishments. If the approval orders are found to be fictitious, a reasoned order be passed in order to enable the aggrieved party to assail the said adverse orders. Let this exercise be completed within a period of 120 days from today. Needless to state, if the Petitioners succeed in getting the sanction to their transfers, they would be entitled for all monetary benefits from the dates of tendering of the proposals by the management.

8. With the above directions, **these Petitions are disposed off.**

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

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