

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9996 OF 2024

Manoj Rajaram Maule, Aged 35 Yrs,
Occu. Service, R/at Mohadi, Tal. Dindori,
Dist. Nashik

...Petitioner

versus

1. The State of Maharashtra
2. The Deputy Director of Education,
Nashik Division, Nashik
3. The Education Officer
Zilla Parishad, Nashik, Primary Division,
Nashik Division Nashik
- 4 R. S. Wagh Shaishanik and Arogya Sanstha,
Rajaram Nagar, A/P Materewadi,
Tal. Dindori, Dist, Nashik,
Through its Secretary

....Respondents

Mr. Sachin Gite for the Petitioner.

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

Mr. Anilkumar Patil a/w Mr. S. M. Bhavar a/w Mr. Digvijay Patil for
the Respondent No.4.

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

DATE : 7th MARCH, 2025

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

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.
2. The Petitioner has put forth prayer clauses (a), (b) and (c) as under:-

“a] This Hon’ble Court may by an appropriate writ order or direction, may be pleased to direct the Respondent No.4 to submit the proposal of the Petitioner for getting the Shalartha I.D. to the Deputy Director of Education Nashik Division, Nashik.

b] This Hon’ble Court may be pleased to further direct the Respondents to consider the proposal of the Petitioner within a period of 4 weeks and may further direct to disburse the salary of the Petitioner with 20% grant-in-aid forthwith from 6.02.2023.

c] pending the hearing and final disposal fo the present Writ Petition, this Hon’ble Court may further be pleased to restrain the Respondents from carrying out any recruitment in respect of the said post of Assistant Teaching as shown in the Pavitra Portal.”

3. Having considered the submissions of the learned Advocates for the respective sides, and on perusing the petition paper book with their assistance, it emerges from the record that the Petitioner’s approval to his appointment as an Assistant Teacher, on

23. 3. 2021, is intact.

4. While granting approval, a detailed inquiry is conducted by the Competent Authority and when the test of in-depth verification is cleared by the Management and an approval is granted, it cannot be called in question while dealing with the proposal for grant of Shalarth I.D. which is a formality. A re-inquiry in the approval cannot be conducted in the light of ***Pramod Prabhakar Pokale Vs. State of Maharashtra and Ors.*** reported in (2019) 3 Bom CR 278.

5. In view of the above, **this Writ Petition is disposed off** with a direction to Respondent No.2 to verify as to whether the approval is intact and the approval document is authentic. No further inquiry is necessary. If the approval is intact and the approval order is authentic, Respondent Nos. 2 shall issue an order granting Shalarth I.D. to Petitioner No.1, within 30 days from today.

6. In view of the above, if the Petitioner's approval is intact, and if the salary to be paid to the Petitioner is only after the Shalarth I. D. is granted, a proposal for allotment of the Shalarth I. D. will have to be filed by the Management. In such circumstances,

a Management which has selected and appointed an Assistant Teacher cannot refuse to submit a proposal for grant of Shalarth I. D. to the appropriate authority. It is not indicated from the record that the Management in this case is refusing to forward the proposal. The fact, however, remains that a proposal is yet to be filed.

7. Hence, this **Writ Petition is disposed off** with a direction to Respondent No.4 to prepare a proposal for seeking Shalarth I. D., within a period of 30 days from today and tender the same to Respondent No.2. Considering the law laid down in ***Pramod Pokale*** (supra), Respondent No.2 would only assess as to whether the approval order is authentic and intact and if that be the case, he shall proceed to grant the Shalarth I. D.

8. **Rule is discharged.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)