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

WRIT PETITION NO. 11959 OF 2024

Malti Ramchandra Pailkar alias
Malti Sagar Chandarkar ... Petitioner
Versus
The State of Maharashtra and ors. Respondents

Mr. Vinod Sangvikar, for the Petitioner.
Mr. Aditya R. Deolekar, AGP for Respondents No. 1 to 4- State.

**CORAM : M.S.KARNIK &
ASHWIN D. BHOBE, JJ.**

DATE : 20th MARCH, 2025

P.C. :

1. Heard learned counsel for the petitioner. The petitioner is aggrieved by an advertisement dated 12/01/2024 for the post of 'Assistant Teacher'. Respondent no. 5 has filed affidavit-in-reply. In the said affidavit-in-reply, it is stated by respondent no.5 that the petitioner is duly appointed by following due procedure of law as an 'Assistant Teacher' for the subject of Social Science for 9th and 10th standard at N.M.Joshi Vidyabhavan School managed by respondent no. 5 since 01/07/2009. It is further stated in the affidavit-in-reply that petitioner's qualifications and caste validity certificate align with the requirements for the position and her employment has been continuous and

satisfactory. Instead of sending proposal of the petitioner, respondent no. 5 issued an advertisement dated 12/01/2024 showing the post as vacant. It is not in dispute that the petitioner is continuously working with the respondent no. 5 since 01/07/2009. In such circumstances, respondent no. 5 should have forwarded a proposal to the Education Officer (Secondary) Zilla Parishad, Raigad for approval. Surprisingly, in the affidavit-in-reply, respondent no. 5 has prayed that appropriate directions be issued to include the petitioner's name in the Shalarth Pranali system and grant approval for her appointment.

2. Learned AGP submits that respondent no.5 has not submitted any proposal for approval of the petitioner's appointment.

3. We find that respondent no. 5 has taken the contradictory stands. On one hand, it is submitted that the petitioner's name be included in Shalarth Pranali system and grant approval for her appointment and on the other hand, they have issued the advertisement. We are satisfied that this is a fit case where respondent no. 5 should forward the proposal for approval of the petitioner's appointment to the Education Officer in the first instance. Hence, the following order.

ORDER

(i) The writ petition is allowed in terms of prayer clause (a) which reads thus :

“The Hon’ble High Court by issuing appropriate writ or order be pleased to quash and set aside the impugned advertisement dated 12/01/2024 issued by respondents no. 5 and 6 for the post of aided assistant teacher for Social Science Subject”

(ii) Within a period of 4 weeks from today, respondent no.5 shall forward a proposal for approval of the petitioner’s appointment to the respondent no. 2- Education Officer (Secondary), Zilla Parishad, Raigad.

(iii) The deficiencies in the proposal may be indicated by the Education Officer to respondent no. 5 within a period of 4 weeks from the date of receipt of the proposal. Adequate time to be granted to comply with the deficiencies.

(iv) Within a period of 12 weeks from the date of receipt of the proposal, the Education Officer to decide the proposal.

4. The writ petition is disposed of.

(ASHWIN D. BHOBE, J.)

(M.S.KARNIK, J.)