

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19171 OF 2024

Smt.Shradha Caesar Assao ... Petitioner

versus

The State of Maharashtra & Ors. ... Respondents

Mr.Prashant Bhavake for the Petitioner.

Mr.V.G.Badgujar, AGP for Respondent Nos. 1 to 5, State.

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

DATE : 26TH MARCH, 2025

P.C. :-

1. The Petitioner is aggrieved by the order dated 3rd December, 2024 passed by the Education Inspector (West Zone), Brihanmumbai, Respondent No.5 herein.

2. We have perused the judgment delivered by the Division Bench of this Court in *Nitin Bhika Tadge and Another versus State of Maharashtra and Others*¹

3. The Government Resolution dated 27th March, 2024 has been issued pursuant to the above judgment delivered in *Nitin*

1 2024 SCC Online Bom 1116

Bhika Tadge (*supra*). A three members Committee is now chaired by Respondent No.4, which has to decide appeals seeking to challenge orders passed by Respondent No.5, as like the Impugned order.

4. The learned Advocate for the Petitioner submits that if the Petitioner tenders an appeal, the Concerned Authority be directed to decide the appeal expeditiously.

5. In view of the above, **this Writ Petition is disposed off.** If the Petitioner or the management, prefers an appeal before Respondent No.4, in the light of the Government Resolution, dated 27th March, 2024, we would expect the Committee headed by Respondent No.4, to consider the said appeal by following the due procedure laid down in law. By granting an adequate opportunity of hearing to all the stakeholders, a reasoned order would be passed dealing with all the contentions of the litigating parties and the judgment cited. This exercise be completed as expeditiously as possible, though the Government Resolution prescribes a period of six months. We would appreciate, if this exercise is completed prior to the said timeline.

6. Since the Petitioner is before this Court on account of the filing of this Petition, the time spent by the Petitioner in this Court shall be excused, provided the Petitioner tenders the appeal within 21 days.

7. We make it clear that we have not expressed any opinion on the merits of the matter. Only to avoid further litigation, we observe that, if the Committee grants approval to the Petitioner, the procedure required to be followed for grant of Shalarth ID, shall be undertaken by the concerned and we expect that the Shalarth ID to be granted within a stipulated period.

8. Since the Petitioner apprehends termination and considering the law laid down by the Full Bench of this Court in ***St. Ulai High School vs. Devendraprasad Jagannath Singh***², we direct the employer not to terminate the Petitioner only for the reason that she does not have an approval.

9. Insofar as clause No. 9 of the Government Resolution dated 27th March, 2024 is concerned, we expect the State Government/ concerned Department to introduce the procedure to

² 2007 (1) Mh.L.J.597

be followed while conducting such appeals.

10. Let such procedure be devised, within a period of 120 days from today.

11. List this disposed off Petition for recording compliance, on **4th August, 2025**.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)