

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.19209 OF 2024**

Mr. Rahul Ganpat Pandhare)
Age: 23 Occupation: Laboratory Assistant)
R/at: C/o K. V. High School & Jr. College)
Jawhar, Tal. Jawhar, Dist. Palghar)Petitioner

V/s.

1. Gokhale Education Society, (Regd.))
Principal T. A. Kulkarni, Vidyalaya,)
College Road, Nashik-5)
Through its Secretary)
2. K.V. High School and R.Y. Jr. College,)
Jawhar,)
A/P. Jawhar, Dist. Palghar)
Throguh its Headmaster)
3. Bhikusa High School, Sinnar,)
Tal. Sinnar, Dist. Nashik)
Through its Head Master)
4. Education Officer (Secondary))
Zilha Parishad, Palghar Navnagar,)
Kolgav, Boisar Road,)
Tal. Palghar, Dist. Palghar)
5. The State of Maharashtra)
through its Secretary,)
Department of Education, Mumbai)Respondents

Mr. Anilkumar Patil a/w. Mr. Sachin M. Bhavar, Ms. Zeel Jain and
Mr. Digvijay Patil for the Petitioner.
Mr. Graham Francis i/b. Mr. V.S. Talkute for Respondent No.1.
Mr. V.M. Mali, AGP for Respondent Nos.4 and 5.

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.
DATE : 2nd JULY, 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 facts of the case are undisputed. The father of the Petitioner was working as a Peon, on a permanent vacant post, since 14th June, 2003 in the Respondent No.3 School. He suffered a cardiac arrest and passed away on 8th October, 2014. The Respondent No.1 Management, passed a Resolution bearing No.14 dated 15th April, 2022 and upon considering the qualifications of the Petitioner, appointed him on a vacant post of Laboratory Assistant on compassionate basis, from 1st July, 2022. Since then, the Petitioner is working on the said post with Respondent No.2 School.

3. A proposal dated 28th July, 2022 was forwarded by the Management to the Education Officer. Vide the impugned order dated 1st February, 2024, the Education Officer (Secondary), Zilla Parishad Palghar, has rejected the proposal only on the ground that the Petitioner's father was working as a Peon and the Petitioner has been appointed as a Laboratory Assistant.

4. The learned Advocate for the Petitioner points out from the certificate available with the Petitioner that he has passed the HSC examination under the Science faculty. There is no dispute that

the prescribed minimum educational qualification for appointment as a Laboratory Assistant is HSC (Science). As the Management did not have a vacant post of Peon, and since the Petitioner had become an adult, he was appointed with effect from 1st July, 2022.

5. No law is cited before us that creates an embargo on such an appointment, particularly in the backdrop of the post of Peon not being available. The Petitioner is already working as a Laboratory Assistant for the last three years.

6. In view of the above, **this Petition is allowed.**

7. The impugned order dated 1st February, 2024 is quashed and set aside.

8. We direct the Education Officer (Secondary) to issue the order of approval within a period of 15 days from today. Consequentially, the procedure for allotment of Shalarth ID shall be initiated by the Management and the competent Authority would deal with the same to ensure that the Shalarth ID is granted, within 45 days thereafter.

9. **Rule is made absolute in the above terms.**

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)