

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(4) WRIT PETITION NO. 6949 OF 2025

- 1 Kum. Ratna Ramesh Salunke)
Age – 25 Yrs, Occu – Service,)
R/o-Pali, Bhira Road, Bharje,)
Tal-Sudhagad, Dist-Raigad)
- 2 The Sudhagad Education Society)
Pali, Tal-Sudhagad, Dist-Raigad)
Through Chairman/Secretary)
- 3 Atomonnati Vidyamandir & Jr. College,)
Jambhulpada, Tal-Sudhagad, Dist-Raigad)
Through its Head Master)Petitioners

Versus

- 1 The State of Maharashtra)
Through Principal Secretary)
Department of School Education)
Having Office at Mantralaya, Mumbai)
- 2 The Deputy Director of Education)
Mumbai Region, Mumbai)
- 3 The Education Officer (Secondary))
Raigad Zilla Parishad, Alibagh)Respondents

AND

(5) WRIT PETITION NO. 6950 OF 2025

- 1 Sou. Sanjivani Shailesh Patil)
Age-40 Yrs, Occu-Service,)
R/o- At-Asudgaon, Post-New Panvel,)
Tal-Panvel, Dist-Raigad)

- 2 The Sudhagad Education Society)
Pali. Tal-Sudhagad, Dist-Raigad)
Through Chairman/Secretary)
- 3 Atmonnati Vidyamandir & Jr College,)
Jambhulpada, Tal-Shudhagad, Dist-Raigad)
Through its Head Master)Petitioners

Versus

- 1 The State of Maharashtra)
Through Principal Secretary)
Department of School Education)
Having Office at Mantralaya, Mumbai)
- 2 The Deputy Director of Education)
Mumbai Region, Mumbai)
- 3 The Education Officer (Secondary))
Raigad Zilla Parishad, Alibagh)Respondents

AND

(6) WRIT PETITION NO. 10116 OF 2025

- 1 The Sudhagad Education Society)
Pali, Tal-Sudhagad, Dist-Raigad)
Through Chairman/Secretary)
- 2 The Head Master,)
G.B. Vader Secondary School &)
V.G. Oswal Jr. College, Sector 18,)
Pali, Tal-Sudhagad, Dist-Raigad)
Age:___ years,Occupation: Service,)
Residing at Pali, Tal-Sudhagad,)
Dist-Raigad)
- 3 Shri. Suraj Krushna Mendan)
Age : 30 years, Occupation: Service,)
Residing at Pali, Tal-Sudhagad,)
Dist-Raigad)Petitioners

Versus

- 1 The State of Maharashtra)
Through Principal Secretary)
Department of School Education)
Having Office at Mantralaya, Mumbai)
- 2 The Deputy Director of Education)
Mumbai Region, Mumbai)
- 3 The Education Officer (Secondary))
Raigad Zilla Parishad, Alibagh,)
Dist-Raigad)Respondents

None for the Petitioners

Mr. M.M. Pabale, AGP for the Respondent/State in WP/6949/2025.

Mrs. Pooja Joshi Deshpande, AGP for the Respondent/State in WP/6950/2025.

Ms. Priyanka Chavan, AGP for the Respondent/State in WP/10116/2025.

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

RESERVED ON : 8th OCTOBER, 2025

PRONOUNCED ON : 16th OCTOBER, 2025

JUDGMENT :- (PER : RAVINDRA V. GHUGE, J.)

1. **Rule.** Rule made returnable forthwith and heard finally
by the consent of the parties.

2. In all these matters, the Petitioners comprise of the individual employees and the Education Society (their employer), which is Sudhagad Education Society, Pali, Taluka Sudhagad, District Raigad. The identically placed employees and the Management are aggrieved that the proposal forwarded by the Management seeking approval to the appointment of the employees, as Shikshan Sevak, has been rejected. The details about the employees, who were appointed as Shikshan Sevak for a period of three years, have been set out in the pleadings.

[A] CONTENTIONS OF THE PETITIONERS

3. It is claimed that the advertisement, prior to the selection and appointment of the teachers, was published in **‘Ratnagiri Times’**. The School Committee found these Petitioner candidates suitable for appointment as Shikshan Sevak. Though the advertisement was published on 15th July, 2022, the Management appointed the Petitioners as Shikshan Sevaks on different dates. Kum. Ratna Ramesh Salunke was appointed on 30th November, 2023 (after 16 months), Sou. Sanjivani Shailesh Patil was appointed

on 12th July, 2023 (after one year) and Shri. Suraj Krushna Mendan was appointed on 28th November, 2024 (after 28 months).

4. The Management contends that, before the above recruitment, there was an interaction between the Management and Respondent No.3, Education Officer (Secondary), praying for allotment of surplus teachers to fill up the vacancies with the various schools operated by the Management. Because the surplus teachers were not allotted and the Pavitra Portal System was not activated, the Management recruited fresh hands as Shikshan Sevak. Because the Pavitra Portal was not functional, the Management proceeded to carry out the recruitment. It is categorically pleaded in the Petition that the Pavitra Portal System was not operative till the date of the filing of the Petitions. This is the foundational pleading of the Management in all the Petitions (which has turned out to be a false statement).

5. The Petitioner/Education Society relied upon an oral order dated 19th August, 2025, passed in Writ Petition No.19146 of 2024 (*Avdhut Gorakhnath Kumbhar & Ors. V/s. The State of Maharashtra & Ors.*) at the Circuit Bench at Kolhapur, granting

approval to the appointment of Art Teachers as Shikshan Sevak for three years. The learned AGP had conceded in the said case, by making a statement that ‘the Pavitra Portal was non-functional’.

[B] CONTENTIONS OF THE EDUCATION DEPARTMENT

6. The Education Department has specifically pleaded vide the affidavit in reply filed in these Petitions, that the impugned order lists out two substantive grounds for rejection of the proposals. **Firstly**, that the Pavitra Portal, which is a systemic platform for recruitment of the teachers in the schools, was available and a specific Login ID was allotted to the Sudhagad Education Society. The Society shrewdly ignored the Portal and a false statement is made in the memo of the Petitions that the Pavitra Portal was never functional. **Secondly**, by the Government Resolution dated 23rd June 2017, Private Education Societies were brought under a mandate that they would recruit the teachers only through the Pavitra Portal after the ban on recruitment is lifted.

7. It is further contended that the purity of the Pavitra Portal Recruitment Process has to be respected and maintained since

such recruited teachers, who are subsequently brought on the aided establishment, receive their salary payments through the Shalarth Pranali, which is a mechanism for ensuring payment directly to be made into the salary accounts of the employees, through the salary grants extended by the Government from the taxpayers money. Hence, when the State Government was extending the salary grants to be paid to the teachers through the Shalarth Pranali, it was a justified and a legitimate expectation of the State Government that the Pavitra Portal Recruitment Procedure should be scrupulously followed.

8. It is further set out in the affidavit in reply that the Pavitra Portal Recruitment Process comprises of the following stages :-

<i>Stage</i>	<i>Process</i>	<i>Action By</i>	<i>Outcome/Next Step</i>
<i>1</i>	<i>Login on Portal Using SARL Credentials</i>	<i>Applicant/ Institution</i>	<i>Access to the recruitment portal</i>
<i>2</i>	<i>Roaster Upload</i>	<i>Institution</i>	<i>Roaster is submitted for verification</i>
<i>3</i>	<i>Verification & Approval</i>	<i>Education Officer (E.O.)</i>	<i>Roaster approved for</i>

			<i>reservation and subject requirement</i>
4	<i>Draft Advertisement Preparation</i>	<i>Management</i>	<i>Draft advertisement ready for approval</i>
5	<i>Advertisement Approval</i>	<i>Education Officer (E.O.)</i>	<i>Advertisement approved and ready for publication</i>
6	<i>Advertisement Published on Pavitra Portal</i> <i>Institution get two options for selection of candidates</i>	<i>Portal Admin</i>	<i>Candidates are notified automatically</i>
7	<i>Institution chooses with Interview option</i>	<i>Institution is allotted top 10 meritorious candidates for conducting their personal interviews</i>	<i>Appointment order is issued once Institution select the candidate</i>
8	<i>Institution chooses without interview option</i>	<i>Institution is automatically allotted highest meritorious candidates</i>	<i>Appointment order is issued</i>

9. It is beyond debate that the Pavitra Portal Recruitment Process was introduced in view of the order of this Court dated 24th June, 2015 delivered at the Nagpur Bench in P.I.L. No.08 of 2015

(Court on it's own motion V/s. State of Maharashtra through its Secretary, Department of Education, Mantralaya, Mumbai and Ors.),. The Petitioner/Management has actually attempted to mislead the Court by making a false statement on oath in the pleadings that the Pavitra Portal was non-functional and the Login-ID was not allotted to the Sudhagad Education Society. The pleadings in the Petitions are based on such a false statement.

[C] ANALYSIS OF THE SUBMISSIONS AND PLEADINGS

10. In the above backdrop, we deem it appropriate to record at this stage that, when the oral submissions of the learned Advocate for the respective sides were being heard, the learned AGP brought to our notice that a Pavitra Portal Login ID had been allotted to the Management. It is in the said backdrop, that we passed the following order on 26th September, 2025 :-

1. In the hearing before us on 16th September, 2025, on instructions, the learned Advocate representing the Petitioners and the Sudhagad Education Society made a clear and unequivocal statement in the Court that the State Government's Pavitra Portal was never opened after the judgment was delivered by the Nagpur Bench in the Public Interest Litigation, directing the introduction of the Pavitra Portal. Then a statement was made on

instructions that had the Pavitra Portal be opened, the ID for the Sudhagad Education Society to be used for recruitment of the teachers and the employees, was never allotted to the Education Society.

2. We had, therefore, directed the Petitioner Society to file a specific Affidavit through the Chairman to place this statement on record. After directing the Petitioner, we directed the Education Department to file an Affidavit as to whether the Pavitra Portal was activated and whether the ID was allotted to the Sudhagad Institution.

3. The Education Department has filed the Affidavit indicating that the Pavitra Portal ID was allotted by way of a Saral ID to the Education Institution. The said institution uses the Portal for uploading all informations about their employees. However, the ID is deliberately not used for recruitment through Pavitra Portal.

4. The Sudhagad Institution has still not filed the said Affidavit. We, therefore, take it that the statement made on the earlier date was a misrepresentation made to the Court in an attempt to mislead the Court to believe the argument of the Institution that the Government never activated the Portal and the ID was never allotted to the Sudhagad Institution.

5. We could have dismissed this Petitions today by imposing cost of at least Rs.1,00,000/- in each matter. However, the learned Advocate for the Management desires to file a Rejoinder Affidavit.

6. The learned Advocate for the Sudhagad Institution makes a statement on instructions from Shri. Rajendra Bajirao Palve, Director, SES, that though the Pavitra Portal may have been activated, no ID has been given to the Institution for the purpose of utilizing it for making fresh appointments.

This statement is made in the face of the statement made by the learned Additional Government Pleader through the Affidavit, that the Saral ID has been granted and this Institution has been using the same for other purposes, except for the purposes of recruitment.

7. Let such Rejoinder Affidavit be filed on or before 30th September, 2025. If such an Affidavit is not filed, we would close this matter for judgment. We make it clear to the Petitioner Institution that if we conclude that the Court has been misled, in as much as, the State Government has been misled in the matters of recruitment and the existence of the Pavitra Portal Pranali and the allotment of Saral ID, we would be directing the State Government to initiate strict action against the Sudhagad Education Society.

8. Stand over to 1st October, 2025.”

11. However, to overcome the above situation, the Petitioner/Education Society filed an additional affidavit dated 29th September 2025, through the Chairman, Smt. Geeta Prakash Palreacha, contending that the Management had forwarded representations to the Education Officer on 11th June, 2021, 15th March, 2022 and 22nd June, 2022, seeking permission to fill up the vacant post and it was also requested that a link to upload the roster and seek permission for advertisement, may be granted. Since there was no response from the Education Officer, the Management decided to proceed to make the recruitment. In Paragraph No.7 of

such affidavit, it is stated by the Management that “*the factual position is though the portal was active in Raigad District, the same was not active and functional for the petitioner sanstha. Since portal itself was not functional for the Sanstha, the login ID was also not working. We have communicated the respondents to get it active, however till date there are no steps from the respondents for the same. I say and submit that till date neither Pavitra portal is active nor user ID. Therefore the petitioners cannot operate the said portal for recruitment purpose.*”

12. In P.I.L. No.08 of 2015 (***Court on it's own motion V/s. State of Maharashtra through its Secretary, Department of Education, Mantralaya, Mumbai and Ors.***), this Court [Coram : B.R. Gavai (as His Lordship then was) and Indira K. Jain, JJ.] passed an order on 24th June, 2015 as under :-

“The perusal of the petition would reveal that a large issue regarding selection of teaching and non-teaching staff in private schools run by private management on grant and no-grant basis has been raised in the present petition.

Undisputedly the schools on grant-in-aid basis receive grant for the entire salary from the public exchequer. Even in spite of that the recruitment in such schools is by the private management. It is a common knowledge that the factors while making

selection and recruitment by such a private management at times are other than the merit.

By now it is the settled principle of law that a back door entry in public employment is not permissible. If the salaries of the staff in the private management are paid from the public exchequer, there is no reason as to why the employment in such management should not be only on the criteria of merit. We are well aware about our limitation that we cannot issue a direction to the State to frame a particular policy. However, the State in order to bring about the fairness in the selection process of the staff whose salary is paid from the public exchequer, is expected to frame such a policy, which would ensure that the selection is only on the basis of the merit and it should be ensured that the malpractices are avoided.

We expect the State to consider the petition from that angle.”

13. On 19th July 2017, a Government Resolution dated 23rd June, 2017, was placed before the P.I.L. Bench at Nagpur. Since the said Government Resolution introduced the Pavitra Portal for teachers recruitment, the Court concluded that the P.I.L. had served its purpose and the same was disposed off.

14. It is in such circumstances that the Pavitra Portal was introduced with a definite purpose and object of ensuring that the selection of teaching and non-teaching staff in Private Schools

operated by the Private Managements, either on no-grant basis or grant-in-aid basis, had to be monitored, more particularly for the schools which were receiving the grant-in-aid from the State exchequer (taxpayers money). This Court desired that such recruitment should be monitored through a particular mode of recruitment. The introduction of the Pavitra Portal was never intended to keep any scope/window open for Private Managements to continue to appoint teachers by ignoring the Pavitra Portal. Such option was not left open or made available by the Government Resolution dated 23rd June, 2017.

15. In our view, it is the ingenuity of Private Managements, who recruit teachers privately, on the spacious plea that the Education Officer did not supply a list of surplus teachers or that he did not respond to the request of the Management, which had sought permission to recruit the teachers. In such circumstances, the Management can surely approach the higher authority against the education department for seeking directions, or even this Court to seek a direction to respond to their applications.

16. The Management contends that the advertisement was published in '**Ratnagiri Times**'. The concerned teachers were

appointed as Shikshan Sevak. Prior to such appointments, they have been pursuing the Education Officer in between June-2021 to October-2022 requesting for allotment of surplus teachers. The Education Officer declined approval to the appointment of the employees since they were not made through the Pavitra Portal, though the said Portal was active.

17. The order passed in *Avdhut Gorakhnath Kumbhar & Ors. (Supra)*, is based on a specific conceding statement made by the AGP that the Pavitra Portal was not functional. Reliance is also placed on an order passed at the Aurangabad Bench dated 23rd April, 2025 in Writ Petition No.10205 of 2024 and group of Petitions (*Kalyansing Indrasingh Rajput And Others V/s. The State of Maharashtra Through its Principal Secretary And Others*). Even in the said order, it is observed that ‘there is no dispute that the Pavitra Portal was not functional’. This was an admitted position in the facts of such cases.

18. In these cases before us, the education department has made a specific statement through an affidavit in reply, that the Pavitra Portal was in an activated mode and the Login ID was also

allotted to the Sudhagad Society. In the pleadings, this Society initially denied that the Portal was available. Thereafter, by an additional affidavit, the Society admits that the Portal was active, but claims that the Login ID was not allotted to it.

[D] CONCLUSIONS

19. Having considered the submissions of the learned Advocates for the respective sides in the light of the their pleadings and affidavits in reply, we find that the Pavitra Portal was functional and the Login-ID was allocated to the Sudhagad Education Society. A specific stand is taken that the Sudhagad Education Society actually submitted a letter dated 15th March, 2022, indicating that the information/data is made available by the Society in the Pavitra System. The said communication signed by the Chairman of the Society addressed to the Education Officer (Secondary), reads thus :-

“महाराष्ट्र खाजगी शाळेतील कर्मचारी (सेवेच्या शर्ती)
अधिनियम १९७७ चे कलम ५(१) नुसार सदर रिक्त पदे ही
विद्यार्थ्यांचे शैक्षणिक नुकसान होऊ नये म्हणून लवकरात
लवकर भरणे आवश्यक आहे. सबब आपल्या कार्यालयाकडे
अतिरिक्त शिक्षक उपलब्ध नसल्यास सदरची पदे पवित्र
प्रणाली द्वारे भरणेकामी आवश्यक ती माहिती पवित्र पोर्टलवर
भरण्यासाठी संगणक प्रणाली मध्ये उपलब्ध करून द्यावी.
तसेच सदरची पदे भरतीसाठी जाहिरात प्रसिद्ध करण्याची

परवानगी देण्यात यावी.

वरील प्रमाणे केलेल्या विनंतीस आपल्या कार्यालयाकडून कोणतेही उत्तर १५ दिवसांच्या आत आमच्या संस्थेस प्राप्त न झाल्यास संस्था व शाळा व्यवस्थापन समिती महाराष्ट्र खाजगी शाळेतील कर्मचारी (सेवेच्या शर्ती) अधिनियम १९७७ व नियमावली १९८१ मधील विहित केलेल्या कार्यपद्धतीनुसार दैनिक वृत्तपत्रामध्ये रितसर जाहिरात देऊन तज्ञ विषय शिक्षकांकडून निवड प्रक्रियेचा अवलंब करून प्रत्यक्षात मुलाखती घेऊन शासनाच्या पद भरतीच्या प्रचलित धोरणानुसार रिक्त पदांची भरती प्रक्रिया पूर्ण पारदर्शकपणे केली जाईल.

कंळावे, ”

20. It is, thus, evident from the above that the Chairman of the Society called upon the Education Officer to allot surplus teachers or to upload the necessary information on the Pavitra Portal to enable the Society to carry out the recruitment through the Pavitra Portal. An ultimatum is given to the Education Officer that the details be uploaded on the Pavitra Portal and permit the advertisement calling for applications for such recruitment within a period of 15 days, or else, the Management would recruit fresh hands by advertising the post in the newspaper.

**[D-1] NOT A SINGLE TEACHER APPOINTED BY
SUDHAGAD EDUCATION SOCIETY THROUGH THE
PAVITRA PORTAL**

21. The learned AGP specifically points out that Sudhagad Education Society has not recruited a single employee by following the Pavitra Portal mechanism in the last eight years. In view of such contention, we had called upon the Education Society to indicate the names of the Teachers, who have been recruited through the Pavitra Portal. The Society could not indicate even a single name. We are, therefore, convinced that this Society has never recruited an employee from the Pavitra Portal in the last eight years and in each recruitment made privately, a stand is taken that the Pavitra Portal was non-functional. The pleadings in the Petitions and the additional affidavit filed subsequently, also indicate the Society, initially lied to the Court that the Pavitra Portal was not active and later on, tried to indulge in a cover-up act of stating that though the Pavitra Portal was active, the Login ID was not given.

22. It has been the case of the Education Officer that the Society never raised a contention that the Pavitra Portal is not functioning. In fact, the advertisement dated 15th July 2022, published by the Education Society, also mentions that the recruitment under the Pavitra Portal is in process. This was a misleading statement in the advertisement. The Society now takes a

stand before us that it did not have the Login-ID. Per-contra, the learned AGP has brought on record the flowchart available on the Pavitra Portal and the screenshot from the Login of Respondent No.3/Education Officer, which is annexed to the compilation of documents at Serial No.17 (Page Nos.107 to 115). As such, had the Management logged into the Pavitra Portal, the relevant information would have been available.

23. The Education Department has averred in the affidavit in reply that a false allegation is made by the Management that the SARAL Portal is closed down and is replaced with UIDSE+. It is contended by the Education Officer that SARAL is in active use and the Central Government operates the Portal for maintaining the students database. This is not used for recruitment of teachers and the non-teaching staff, for which, Pavitra Portal is the only option.

[D-2] RESERVATION NOT FOLLOWED

24. On the point of reservation, the Education Officer has taken a stand that the Hon'ble Supreme Court has held that a defective advertisement would lead to setting aside the entire

recruitment process. Useful reference can be made to the case of *Amrit Yadav Vs. State of Jharkhand and Others, 2025 SCC OnLine SC 280*. In Paragraph Nos.19 and 38, the Hon'ble Supreme Court has observed as under :-

“19. Thus, the advertisements which fail to mention the number of posts available for selection are invalid and illegal due to lack of transparency.

38.....rights of candidates to continue on such posts is contingent upon the legality of the advertisement and the recruitment process conducted in pursuance thereof.”

[D-3] DEFECTIVE AND MISLEADING ADVERTISEMENT

25. Insofar as, the sanctity of the advertisement is concerned, we find the following glaring aspects in the advertisement :-

[i] Flaws in the first advertisement dated 15/7/2022 :-

- a) Advertisement not issued in two largely circulated daily newspapers as mandated under G.R. dated 6th February, 2012.
- b) Advertisement issued only for 60 posts, contrary to the vacancies of 81 available posts with Petitioner No.2, Society.
- c) Petitioner No.2, Society clearly mentioned in the advertisement that the appointments are for temporary posts for

the educational year 2022-2023.

- d) Age criteria not mentioned.
- e) Remuneration based on honorarium basis from Petitioner No.2's funds under non-aided section.
- f) The advertisement is not for full time aided posts.
- g) Advertisement was not issued for appointment of posts as Shikshan Sevak, which is a scheme to appoint Assistant Teachers as probationers in view of the provisions of Section 5(2) of the M.E.P.S. Act.
- h) Only two posts shown for open category. The backlog of reserved posts is not specified clearly.

[ii] The Division Bench of this Court, at Aurangabad, in ***Pravin Bodhu Kasbe Vs. State of Maharashtra and Others 2021 SCC OnLine Bom 1754***, again issued directions to the Government to follow the mandatory procedure of recruitment through the Pavitra Portal.

[iii] In the Judgment of this Court dated 11th July, 2023 in Writ Petition No.10752 of 2022 (***Joya Vrushal Chaudhari Vs. The State of Maharashtra & Ors.***), it was observed that the

responsibility of the School Management for not appointing employees as per the Government Policy and rules, cannot be fastened on the Government. In this case, the proposal to appoint teaching staff without following Pavitra Portal Pranali was rejected by the Education Department. It was held that the State cannot be faulted for the substantive lapses in the selection procedure adopted by the Management.

[iv] Discrepancies in the 2nd advertisement dated 05/10/2024

(Exhibit-B) :

- a) Not issued in two daily newspapers as mandated under Government Resolution dated 6th February, 2012.
- b) Advertisement is issued only for 11 posts, contrary to the vacancies of 81 posts available with Petitioner No.2 (earlier advertisement dated 15th July, 2022 was issued for 60 posts).
- c) Does not mention age criteria
- d) Not issued for the appointment of Shikshan Sevak
- e) Does not specify reservation pattern.

26. The impugned orders are not lengthy orders. However, the reasons assigned for rejecting the proposals of the Education

Society, cannot be faulted. If this Court had directed that the selection and appointments of Teachers in private schools should be made by following the Pavitra Portal Pranali, and when the Pavitra Portal was activated and the Login ID was also available, the Society could not have indulged into a private recruitment process.

27. We have frequently come across a stand taken by various education societies, that because the Education Officer did not furnish the list of surplus teachers, the Society has made the appointments. We deem it necessary to issue certain directions to the State Government to strictly deal with such erring officers.

28. This Court has directed in the order dated 6th October, 2021 passed in Writ Petition No.309 of 2018 (***Peoples Education Society Mandane Through its Chairman J T Pawar and Another V/s. The State Maharashtra And Others***), as under :-

“(a) A list of surplus teachers, subject-wise, Zilla Parishad wise, shall be prepared for entire State of Maharashtra as on 30/09/2021;

(b)Such list shall be produced before this Court on 28/10/2021;

(c)After the list is produced before this Court, we would direct the said authorities to upload the said list

on their official websites as well as the websites of the Education Department of every Zilla Parishad in the State of Maharashtra.”

29. If, despite the above directions, the Managements are permitted to privately recruit teachers by publishing advertisements in relatively unknown newspapers for obvious reasons, ignoring the Pavitra Portal process, such Managements would practically neutralize the Pavitra Portal Pranali. This Court did not expect such a deteriorating situation. The State Government needs to hold every Education Officer accountable if surplus teachers are not listed on its website and a convenient/conspicuous silence by such Education Officers offering no response to the Managements letters, practically facilitating an opportunity to the Management to recruit teachers privately, needs to be dealt with, with a firm hand. In ***Pravin Bodhu Kasbe Vs. State of Maharashtra and Others, (2022) 2 Mah LJ 241***, this Court had directed below Paragraph No.10(i) to (iv), as under :-

“10. In view of the above, this petition is dismissed. However, we find it appropriate to issue certain directions to the Principal Secretary, Department of School Education, State of Maharashtra as under:

(i) The Government Resolution dated 23-6-2017 shall be scrupulously followed without any exception.

(ii) Rule 9(2-A) and (2-B) of the Maharashtra

Employees of Private / Schools (Conditions of Service) Regulation Rules, 1981, by which amendment has been introduced pursuant to the judgment in P.I.L. dated 24-6-2015, mandating the publication of advertisement, besides the Pavitra Portal, in two widely circulated newspapers, out of which, one should be a local newspaper having wide circulation in the region, should be strictly implemented.

(iii) All Education Officers in the State of Maharashtra and all concerned authorities shall be directed by the department of School Education that they shall scrupulously follow the Government Resolution dated 23-6-2017 and Rule 9(2-A) and (2-B) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 and no appointment in violation of any of these provisions shall be approved.

(iv) The State Government should also intimate the authorities that any person guilty of such violation would be subjected to strict disciplinary action. So also, action be initiated against such Managements, who flout these rules and the Government Resolution.”

30. In ***Prakash Daulat Patil Vs. State of Maharashtra, Through the Secretary and Others, (2024) 6 Bom CR 186***, it was observed in Paragraph Nos.8 to 10, 12 and 13, as under :-

“8. Even if the submission of learned counsel for the petitioner is accepted that since at the time of appointment of the petitioner which was made on 1st June 2018, Pavitra Portal was not functioning, the management of the institution was still required to

advertise the vacancy against which the petitioner claims his appointment, in at least one local newspaper having wide circulation in the region. The management was also required to notify the vacancy to the Employment Exchange Centre of the District and District Social Welfare Officer.

9. In respect of fulfillment of requirement under Rule 9(2A) of Rules of 1981, reliance has been placed by the counsel for the petitioner on an advertisement, which is available at Exhibit-B, appended to the Writ Petition. The advertisement appears to have been published in a weekly newspaper, "Pakshapramukh", in its special edition published on 1st May 2018. The document at Exhibit-B to the Writ Petition discloses that the said weekly newspaper was published from Jalgaon.

10. In respect of the said advertisement published in weekly newspaper "Pakshapramukh", we may observe that once the requirement under Rule 9(2A) of the Rules of 1981 is publication of advertisement in at least one local newspaper having wide circulation, in our opinion, the said requirement cannot be said to have been fulfilled by publishing the advertisement in a weekly newspaper. From a bare perusal of Exhibit-B appended to the Writ Petition, the circulation of the said weekly newspaper appears to be doubtful. As per the requirement under Rule 9(2A) of the Rules of 1981, the newspaper should have wide circulation. Accordingly, such advertisement, in our opinion, is not as per the mandatory requirement of Rule 9(2A) of the Rules of 1981.

12. Employment of assistant teachers in private schools in the State of Maharashtra are not only governed by a State Legislation i.e. the Act of 1977 and the Rules of 1981, but in aided schools burden of payment of salary of such teachers is also borne by the State exchequer. Accordingly, any such employment lies in the realm of the public employment and hence

the recruitment/selection/appointment of such teachers in private aided schools has to be necessarily in conformity with the fundamental right enshrined under Article 16 of the Constitution of India. Rule 9(2A) of the Rules of 1981 requires that the advertisement of vacancy shall not only be published in at least one local newspaper having wide circulation but also that the vacancy will have to be notified to the Employment Exchange Centre of the District and District Social Welfare Officer. The purpose is to provide equal opportunity to all eligible candidates to participate for appointment in public employment. If the vacancy against which the petitioner is said to have been appointed has not been widely advertised, that itself would be violative of Article 16 of the Constitution of India, which is a fundamental right.

13. For the reasons aforesaid, we do not find any good ground to entertain the instant Petition.”

31. In *Pooja Yogesh Singh and Another Vs. State of Maharashtra, Through the Secretary and Others, (2024) SCC OnLine Bom 3677*, this Court noted that the advertisement was published in a lesser circulated newspaper namely, ‘Bhartiya Nagarik’. It was, therefore, held in Paragraph Nos. 28 to 31, as under :-

“28. This Court in the case of Shreeya Nitin Sawant v. State of Maharashtra (WP No. 11093 of 2023) after taking note of the submission made in the said Petition and upon perusing the Judgment dated 03/07/2023 delivered by this Court in Writ Petition No. 1423 of 2021 (Rajan Sahadeo Ratul v. State of Maharashtra) observed that the pattern followed by the Managements, as also the conduct of the Education Officer in such matters, is an

attempt to bypass the requirements/provisions of the MEPS Act and Rules. This Court in the said order has referred the pattern followed by the Management/Education Officer in the matters of selection/appointment of teachers, which for the sake of convenience is transcribed herein under: to

"2. This pattern is as follows: -

(a) Management informs the Education Officer that there are vacancies and the vacancies have to be filled in.

(b) The Education Officer is requested to grant permission to fill up such vacancies.

(c) The Education Officer conspicuously remains silent.

(d) When the Management sends a reminder to the Education Officer, again the Education Officer conspicuously remains silent.

(e) Thereafter, the Management writes to the Education Officer, informing the latter that the Management desires to proceed to fill up the posts by publishing an advertisement. Yet the Education Officer remains conspicuously silent.

(f) Thereafter, the Management publishes the advertisement in such newspapers or weekly or a fortnightly, which hardly has any circulation, like for example, Dainik Deshodhadi, Dainik Pol Khol, Katraj Bhogdyatil Kahani, Pakshik Bhartiya Nagrik and, as like in the present case, Dainik Shri Rann Zungar.

(g) None of these newspapers are approved by the State Government vide their various Government Resolutions, the latest being 10th June, 2022.

(h) Thereafter, the Management appoints the candidate.

(i) The Education Officer then completes the formality of refusing the approval.

(j) As expected, the Management and the appointee approach the High Court as the Petitioners in a Writ Petition.

(k) We have always considered the hardships in favour of such appointees and we have granted approvals."

29. On the basis of the said observations in Writ Petition No. 11093/2023, this Court has directed the addition of the Director of Education, State of Maharashtra as Respondent in the said Writ Petition No. 11093/2023 and has called upon the said Respondent to file an affidavit. Facts of the present case, indicate a similar, if not identical pattern, followed by the Petitioner No. 2.

30. With reference to the submissions/contention of Mr. Narendra V. Bandiwadekar, learned Senior Counsel for the Petitioners with respect to the other grounds in the impugned order, relied by the Respondent No. 3 to reject the proposal dated 20/08/2022 of the Petitioner No. 2, we are of the opinion that the defect in the issuance of the advertisement as pointed out herein above goes to the root of the selection process. We find that, for want of mandatory compliance of Rule 9(2-A) of the MEPS Rules, the purpose i.e. to provide equal opportunity to all eligible candidates to participate for appointment in public employment, stood defeated. Thus, vacancy against which the Petitioner No. 1 is said to have been appointed not being widely advertised, that itself would be violative of Article 16 of the Constitution of India, which a fundamental right. The advertisement issued by

the Petitioner No. 2 is nothing but an eye wash. Once it is found that the issuance of the advertisement is not as per the mandatory requirement of Rule 9(2-A) of MEPS Rules, the other contentions as raised by the Petitioners would pale into insignificance.

*31. The advertisement dated 05/06/2022 (at Exh C) is hereby held to be bad in law. For the reason recorded herein above we do not find any infirmity in the impugned order. The **Writ Petition** is without merits and as such is liable to be dismissed, which accordingly, **is dismissed. Rule is discharged.**”*

32. The order passed at the Kolhapur Bench dated 18th September, 2025 in Writ Petition No.16332 of 2023 (***Smt. Rupali Vishal Patil & Ors. Vs. The State of Maharashtra & Ors.***) and in ***Kalyansing Indrasingh Rajput And Others (Supra)***, was on the basis of an admission by the Education Officer, with reference to the particular Education Society, that the Pavitra Portal was not functional. Hence, at the two Benches, approval to the appointment was granted. So also, in the order passed at the Kolhapur Bench dated 18th September, 2025 in Writ Petition No.6167 of 2023 (***Shri Swami Doulatgirji Shikshan Sanstha, Burli and Others Vs. The State of Maharashtra and Others***), the AGP's statement that the Pavitra Portal was not operating with regard to the said Educational Institution, was recorded by the Court and the approval was granted to the appointment.

ORDER

33. These **Writ Petitions are, therefore, disposed off**. Since we have noticed that the Petitioner Sudhagad Education Society has not appointed even a single teacher through the Pavitra Portal Recruitment Pranali, the possibility that there may be many such Education Societies who may not have appointed teachers through such process.

34. Therefore, we direct the Principal Secretary, School Education and Sports Department, to constitute a High Level Committee of at least 3 members, for each region/division in Maharashtra, comprising of a seniormost Deputy Director Education from the particular region/division, as the Chairman, and include such other officers from the Education Department, not below the rank of a Education Officers from that region/division. Such Committees shall inspect Educational Institutions / Societies/ Managements etc., in the respective regions and submit a report to the Principal Secretary of the said Department, who shall initiate appropriate remedial action against the erring Institutions, save and except, in cases wherein the High Court or the Hon'ble Supreme Court has passed orders granting approvals.

35. To ensure utmost discipline amongst the Private Managements and strict adherence to the Pavitra Portal Recruitment Pranali, we reiterate the directions set out in *Pravin Bodhu Kasbe Vs. State of Maharashtra and Others, (2022) 2 Mah LJ 241* and *Prakash Daulat Patil Vs. State of Maharashtra, Through the Secretary and Others, (2024) 6 Bom CR 186*. This would also mean that it is imperative that the State must ensure that the Pavitra Portal Recruitment Pranali must be functional for all institutions and Login IDs should be provided to such institutions. So also, the State must formalise a ‘**STANDARD OPERATING PROCEDURE**’ (SOP) in view of the above and for the following aspects :

- A] Availability of the Pavitra Portal Recruitment Pranali.
- B] Availability of the Login ID for each Management.
- C] Reaction time of 7 working days for each Education Officer/Dy Director Education/Education Inspector, etc., to respond to the communications of the Management, in writing.
- D] Continuously upload the names of the surplus teachers on the website of each Zilla Parishad/Municipal Corporation, etc.

- E] Strict compliance of the publications of advertisements in largely circulated newspapers, one of which should be in the Regional language, in terms of the GRs dated 06/02/2012 and 10/6/2022.
- F] Reservation roster shall be strictly followed and should be specifically mentioned in the advertisements.

The above aspects are illustrative in nature and not exhaustive. The State is at liberty to add to the above and ensure that a fool-proof SOP is introduced within a period of 6 months from today. For clarity, it shall be formulated on or before 15th March, 2026. Compliance of the above directions shall be reported to the Court on 23rd March, 2026.

36. Rule is discharged.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)