

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12158 OF 2025

Mahesh Gurunath Jadhav & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire i/b. Ashwini N. Bandiwadekar, Advocate for Petitioners.

Ms. Priyanka Chavan, AGP for Respondent/State.

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

DATE : 24th SEPTEMBER, 2025

P.C. :

1. The proposal forwarded by the Management (Petitioner No. 2) for seeking approval to the appointment of Petitioner No. 1, as a Junior Clerk, has been rejected by the order dated 4.7.2022. Without challenging the said order, the Management tendered a second proposal in the same cause, on 4.8.2022. The same is still pending. The Management did not challenge the order dated 4.7.2022 for 3 years and, it is by this Petition, that the said order is assailed with the request that the second proposal dated 4.8.2022, be directed to be considered.

2. The Management and the employee together have put-forth prayer clauses (b), (c) and (d), as under :

b/ By a suitable writ, order or direction, this Hon'ble Court may be pleased to quash and set aside the impugned order dated 4.7.2022 issued by the Respondent No. 3, and accordingly the Respondent No. 3 may be directed to grant approval to the appointment of the Petitioner No. 1 as a Junior Clerk on monthly honorarium in the aided Secondary School of the Petitioner No. 2 Management from 15.1.2022 till 14.1.2025, and to release the grant-in-aid for payment of the said amount of monthly honorarium to the Petitioner No. 1.

c/ By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 2 to grant permission to include the name of the Petitioner No. 1 in Shalartha Pranali and to allot him the Shalartha I.D. as a Junior Clerk with effect from 15.1.2022, with all consequential benefits.

d/ By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 2 to grant further approval to the Petitioner No. 1 as a Junior Clerk in pay scale in the aided Secondary School of the Petitioner No. 2 Management with effect from 15.1.2025 and to release the grant-in-aid for payment of salary in pay scale from the said date onwards, with all arrears.

3. Having considered the submissions of the learned Advocates for the respective sides, it is obvious that the Management has delayed the filing of this Petition by not challenging the impugned order dated 4.7.2022, which is now prayed for in prayer clause (b) reproduced above.

4. In view of the above, on account of the delay caused, the grant-in-aid cannot be utilized for paying the arrears to Petitioner No. 1.

If the delay is caused by the Management (Petitioner No. 2-employee), they have to suffer the consequences.

5. Considering the above, the deficiencies raised in the order dated 4.7.2022, shall be deemed to be a notice to the Petitioner No. 2 Management. Since the Management has already tendered a revised proposal on 4.8.2022, the same would be considered by Respondent No. 3, on its own merits and by strictly scrutinizing the proposal in the light of the policies of the State Government and the provisions of law applicable, on or before 30th November, 2025.

6. In the event, the proposal is favourably considered, the Petitioner No. 1 would be entitled for the benefits of the salary grants from the date of the order of Respondent No. 3. Considering the delay, we are disallowing the claim for arrears since the State Exchequer would be burdened with this financial cost, due to the delay of the Management and the Petitioner. In the event an adverse order is passed, the aggrieved party would be at liberty to avail of a remedy as is permissible in law.

7. With the above directions, **this Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)