



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 4439 OF 2023

- 1) **Swargiya Radhabai Dorlikar Shikshan
Sanstha, Nagpur**
235, New Subhedar Lay out,
Hudkeshwar Road, Nagpur,
through its President,
- 2) **Ravi Madhyamik Vidyalaya,
Kalmana, Nagpur**
through its Headmaster.
- 3) **Chetan Ramchandra Adamane,**
Aged about 31 years, Occ.- Service,
R/o. C/o. Ravi Madhyamik
Vidyalaya, Kalmana, Nagpur.

.... **PETITIONERS**

// VERSUS //

- 1) **Deputy director of Education,**
Nagpur Division, Nagpur.
- 2) **The Education Officer (Secondary),**
Zilla Parishad, Nagpur.

.... **RESPONDENTS**

Mr. P. N. Shende, Advocate for Petitioners.
Mr. J. Y. Ghurde, Assistant Government Pleader for
Respondents.

**CORAM : MRS. M. S. JAWALKAR AND
RAJ D. WAKODE, JJ.**

DATE : 20th SEPTEMBER, 2025.

ORAL JUDGMENT :- (Per : M. S. JAWALKAR, J.)

1. Heard. **Rule.** Rule is made returnable forthwith. Matter is taken up for final hearing at the stage of admission by consent of the parties and at the request of parties.

2. By this Writ Petition, the Petitioners are challenging the order dated 02/12/2022, passed by Respondent No.1 – Deputy Director of Education, Nagpur Division, Nagpur.

3. It is the contention of the Petitioners that Petitioner No.3 came to be appointed on 31/03/2015 by following the due procedure for appointment. The said appointment was duly approved by the Education Department. There are no complaints whatsoever against the Petitioner No.3. The Petitioner No.2 submitted a Proposal to the Respondent No.1 for grant of Shalarth I.D. for the purposes of inclusion of the name of Petitioner No.3 in salary bills. However, the Respondent No.1 Deputy Director of Education, Nagpur refused to grant the Shalarth I.D. in favour of the Petitioner No.3 for the reason that there is a ban imposed by the State Government.

4. From the document at Annexure-1 – Staffing justification, it is clear that there is a vacant post of Class-IV employee. Though it is contended by the learned Assistant Government Pleader that staffing justification was not available at the relevant time, however, the document at Annexure-1 issued by the Education Officer himself, clearly shows that these documents are very much available on the portal of the Education Officer. As such, there is no substance in this ground. Secondly, the learned Counsel for the Petitioners relied on the Judgment in ***Writ Petition No.6568/2023*** (*Arunodaya Bahuudeshiya Vikas Sanstha, Nagpur through its Secretary & Ors. Vs. Deputy Director of Education, Nagpur Division & Anr.*) dated 04/04/2024, wherein this Court held that the plea of ban on recruitment is clearly not available to the Respondent as vacancies were already in existence.

5. The learned Counsel for the Petitioner also placed reliance on the Judgment in ***Writ Petition No.920/2023*** (*Anjuman Taraqqi E Urdu, Digras & Ors. Vs. The State of Maharashtra & Ors.*) with connected matters dated 18/08/2025,

wherein it is held that when the approval has been granted by the Education Officer, which is not disputed and still in force, the Deputy Director of Education cannot refuse to include the names of the Petitioners in the Shalarth ID for the purpose of disbursing of their salary. Admittedly, appointment of the Petitioner was made in the place of vacancy created by the retirement of one Smt. Kamini Meshram. Thus, the post was very much in existence and there was approval also.

6. As such, the impugned order needs to be set aside. Accordingly, we proceed to pass following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 02/12/2022, issued by Respondent No.1 – Deputy Director of Education Nagpur Division, Nagpur is hereby quashed and set aside.
- (iii) The Respondent No.1-Deputy Director of Education Nagpur Division, Nagpur is hereby directed to grant Shalarth I.D. to the Petitioner No.3 within a period of four weeks.

- (iv) The learned Assistant Government Pleader to communicate this order to the Respondent No.1 - Deputy Director of Education Nagpur Division, Nagpur.

The Writ Petition stands disposed of in the above terms. No order as to costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Kirtak