



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3320 OF 2025

Vaishali D/o Patiram Badole
(After marriage Vaishali w/o Gulab
Kadabe) Aged about 44 years, Occ: Teacher,
R/o C/o Kiran Dhomne, Rajaji Ward,
Ramtek, Tah. Ramtek, Dist. Nagpur - 441106.**PETITIONER**

...VERSUS...

1. State of Maharashtra,
Through Secretary,
School Education and Sports Department,
Mantralaya, Mumbai-32.
2. Deputy Director of Education,
Nagpur Division, Nagpur.
3. Education Officer (Secondary),
Zilla Parishad, Nagpur,
Distt. Nagpur.
4. Samarth Shikshan Sanstha,
through its Secretary, Ramtek,
Tah. Ramtek, Distt. Nagpur.
5. Samarth High School,
through its Principal/Headmaster,
Ramtek, Tah. Ramtek,
Distt. Nagpur.

...RESPONDENTS

S/Shri M.R. Joharapurkar & Pratik Jain, Advocates for petitioner.
Ms Priti Joshi, A.G.P. for respondent/State.
Shri A.J. Thakkar, Advocate for respondent nos.4 and 5.

CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.
DATE : 17.12.2025

ORAL JUDGMENT : (Per : M.W. Chandwani, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of both the parties.

2. The petition challenges the order dated 25.09.2024 passed by the respondent no.2 – Deputy Director of Education whereby, the proposal for issuance of Shalarth ID of the petitioner came to be rejected by referring the letter dated 28.11.2023 issued by respondent no.3-Education Officer wherein, it was informed that the State has not been directed to pay backwages vide order dated 28.10.2013 passed by the School Tribunal in Appeal No.STN/76/2012, for the reason that it is not clear whether Writ Petition No.6505/2013 is pending or not and lastly, the respondent no.3 -Education Officer was not party to the settlement which was entered into by the petitioner and the respondent nos.4 and 5 in Writ Petition No.6505/2013.

3. Having heard the learned counsels for the respective parties and having gone through the record, it appears that the petitioner was appointed as Shikshan Sevak on 20.02.2009. Her appointment was approved by the respondent no.3-Education Officer. Later on, she was terminated by respondent no.4 – Management. She preferred an appeal before the School Tribunal bearing Appeal No.STN/76/2012 which was allowed directing the Management to reinstate her alongwith backwages and continuity

of service. The said order came to be challenged by the Management in Writ Petition No.6505/2013. The contention is that, in the said writ petition, matter was amicably settled between the petitioner and the Management, wherein, the petitioner waived off her right to claim backwages. Pursuant to the said settlement in Lok Adalat held on 30.04.2023, the petitioner was thereby reinstated by respondent no.4 – Management and the proposal was forwarded to respondent no.3 – Education Officer for issuance of Shalarth ID. However, initially her approval was rejected on the ground of some discrepancies, thereafter, compliances were made and again the proposal for approval was sent. Consequently, the proposal was rejected on the above-mentioned ground.

4. Upon perusal of the record, it is revealed that the State Government has not been asked to pay backwages and Writ Petition No.6505/2013 has been disposed of in wake of the settlement between the petitioner and respondent no.4 and 5. Irrespective of the fact that respondent no.3 – Education Officer was a party to the settlement or not, respondent no.2 – Deputy Director of Education should not have rejected the proposal of granting Shalarth ID for the simple reason that the petitioner was not claiming backwages and the fact that once the School Tribunal

has set aside the termination order and directed the petitioner to be reinstated, which was confirmed by the order in Writ Petition No.6505/2013 there was no reason for respondent no.2 - Deputy Director of Education to mention reasons which are not relevant for the issuance of Shalarth ID. Therefore, the order passed by respondent no.2 - Deputy Director of Education does not stand to the reason and is therefore, liable to be set aside. Hence, we pass the following order:

5. The writ petition is allowed.

6. The impugned order dated 25.09.2024 issued by respondent no.2 – Deputy Director of Education, Nagpur is hereby quashed and set aside.

7. The respondent no.2 – Deputy Director of Education, Nagpur is directed to grant Shalarth ID to the petitioner within six weeks from the date of receipt of this order so that the salary of the petitioner can be disbursed from the date of reinstatement i.e. 17.05.2023.

8. Rule is made absolute in the abovesaid terms. No order as to costs.

(M.W. CHANDWANI, J.)

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

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