



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

WRIT PETITION NO.6027 OF 2025

1. Swargiya Radhabai Dorlikar Shikshan Sanstha,
235, New Subhedar Layout,
Hudkeshwar Road, Nagpur
through it Secretary
2. Ravi Madhyamik Vidyalaya,
Kalmana, Nagpur,
through its Headmistress
3. Arvind Haridas Jivtode,
Aged – 36 years, Occupation – Service,
R/o. C/o. Ravi Madhyamik Vidyalaya,
Kalmana, Nagpur

...PETITIONERS

VERSUS

1. The Deputy Director of Education,
Nagpur Division, Nagpur
2. The Education Officer (Sec.),
Zilla Parishad, Nagpur

...RESPONDENTS

Mr. PN. Shende, Advocate for the Petitioners.
Mrs. K. Bhondge, A.G.P. for the respondents/State.

CORAM : SMT. M.S. JAWALKAR AND RAJ D. WAKODE, JJ.
DATED : OCTOBER 08, 2025.

ORAL JUDGMENT (Per : Raj D. Wakode, J.) :

Heard learned Counsel for the petitioners.

2. Issue notice to the respondents, returnable forthwith.

3. Mrs. K. Bhondge, learned Assistant Government Pleader waives notice on behalf of the respondents/State.

4. **RULE.** Rule made returnable forthwith. Heard finally with the consent of learned Counsel for both the parties.

5. The petitioners seek direction of this Court to respondent No.1 to decide the proposal dated 21/11/2022 submitted by respondent No.2 – the Education Officer for grant of Shalartha I.D. to petitioner No.3.

6. The brief facts which are necessary to decide the petition are as under:

A] Petitioner No.1 – trust runs petitioner No.2 – school. Petitioner No.3 was appointed as Assistant Teacher vide appointment order dated 01/10/2020 which is at page 19 Annexure-II of the petition.

B] Respondent No.2 – the Education Officer has granted approval to the appointment of petitioner No.3 being an eligible candidate and the appointment is made in due compliance of law. The appointment of petitioner No.3 was on unaided school, then petitioner

No.3 was transferred from unaided school to the aided school. The transfer of petitioner No.3 from an unaided school to the aided school was also approved by respondent No.2 vide order dated 01/11/2022. After the aforesaid transfers was approved by respondent No.2, petitioner No.3 has also qualified the Central Teacher Eligibility Test which is conducted in December, 2022.

C] Respondent No.2 – the Education Officer on 21/11/2022 had submitted the proposal for inclusion of the name of petitioner No.3 in Shalarcha I.D. so that the regular salary of petitioner No.3 on 100% grant-in-aid can be paid; however, after almost three years, the aforesaid proposal is pending with respondent No.1

7. Learned Counsel for the petitioners submits that the probable reason for non grant of approval to the aforesaid proposal for inclusion of name of petitioner No.3 in Shalarcha I.D. is that respondent No.1 is of the opinion that petitioner No.3 has not qualified C.T.E.T. examination within the cut-off date; however, the aforesaid issue is no more *res-integra*. In view of the judgment passed by this Court in ***Writ Petition No.3637 of 2024 (Sant Sai Baba Shikshan Sanstha Vs. The State of Maharashtra and ors.)*** decided on 26/02/2025. This Court while dealing with similar situation has observed thus:

“2. In both these Petitions the orders passed by the Respondent No.2 rejecting the inclusion of the names of the Petitioners in Shalarth ID are being questioned. The rejection as is discernible from the order of the Deputy Director of Education is clause 4 of the Government Resolution dated 01.04.2021 (page 61), however, what is material to note is that the Education Officer by his order dated 21.11.2022 in Writ Petition No.3637/2024 (page 41) and 19.07.2022 in Writ Petition No.3746/2024 (page 27), has already granted approval for transfer of the Petitioners from unaided to aided section of the School run by the same Management.

3. Once the approval has been granted by the Education Officer, which is not disputed, is 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. In that view of the matter, the impugned orders passed by the Deputy Director of Education are hereby quashed and set aside and it is directed that the names of the Petitioners be included in the Shalarth ID for the purpose of disbursal of their salary and other emoluments.

4. The Petitions are accordingly allowed in the above terms. No costs.

5. Needless to say, that this shall be the position, till such time the order of approval of transfer by the Education Officer of the Petitioners from unaided to aided shall continue to remain in force.”

8. It is also pertinent to note that, recently the Hon’ble Apex Court has delivered a judgment on 01/09/2025 in ***Civil Appeal No. 1385 of 2025 (Anjuman Ishaat-e-Taleem Trust v. The State of Maharashtra & others)*** wherein the Hon’ble Apex Court has granted the extension of

two years to in-service candidates for qualifying the C.T.E.T. examination. Even otherwise, the condition of not passing the T.E.T. examination within a cut-off date will not be an impediment in granting approval to the proposal dated 21/11/2022 submitted by respondent No.2 – Education Officer.

9. In view of the above, we dispose of the present writ petition with a direction to respondent No.1 to decide the proposal dated 21/11/2022 submitted by respondent No.2 – the Education Officer for inclusion of name of petitioner No.3 in Shalarcha Pranali within a period of three weeks from today and in accordance with law settled by this Court in Sant Sai Baba Shikshan Sanstha (supra) and keeping in mind the extension of time granted by the Hon'ble Apex Court in the case of Anjuman Ishaat-e-Taleem Trust (supra).

10. The writ petition is disposed of accordingly.

11. Rule made absolute in the aforesaid terms. No costs.

(RAJ D. WAKODE, J.)

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