



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO. 1579 OF 2026

VRUSHALI DILIP BADGUJAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.S. Panpatte, Advocate for petitioner

Miss Neha B. Kamble, AGP for respondent Nos.1 and 2

Mr. M.S. Sonawane, Advocate for respondent No.3

...

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 12th FEBRUARY, 2026

ORDER :

. Present petition has been filed for directions to respondent No.2 to decide the appeal preferred by petitioner challenging the order dated 22.01.2025 passed by respondent No.3 – Education Officer (Primary), Zilla Parishad, Jalgaon. Consequential prayer has been made that has to be granted to include the name of petitioner in *Shalarth ID*.

2 Learned AGP waives notice for respondent Nos.1 and 2. Learned

Advocate Mr. M.S. Sonawane waives notice for respondent No.3. No necessity to issue notice to respondent Nos.4 and 5, at this stage.

3 Petitioner is serving in Respondent No.5 school run by respondent No.4 since 15.06.2017 as Assistant Teacher. Initially her appointment was on no grant basis. Accordingly, approval has also been granted to her appointment. Now, the petitioner has attained permanency in the service. Now, by proposal dated 17.10.2024 respondent No.5 had forwarded the proposal for including name of petitioner in *Shalarth ID*.

4 Learned Advocate for petitioner submits that respondent No.3 had no authority to reject the said proposal, but it is his duty only to forward the said proposal to respondent No.2; yet by giving reasons respondent No.3 has rejected the said proposal. Though the petitioner has filed appeal to the Committee, which is established under the Government Resolution and that appeal is still pending, neither the appeal has been decided nor any action has been taken. Order passed by respondent No.3 is *per se* illegal.

5 Learned Advocate for respondent No.3 as well as learned AGP accept the fact that the powers to decide the proposal for inclusion of name of a teacher in *Shalarth ID* are with respondent No.2, therefore, it has to be decided by respondent No.2.

6 Learned Advocate for petitioner relies on the decision in **Amol Baban Sangar vs. The State of Maharashtra and others** in Writ Petition No.8966 of 2021 decided at the Principal Seat on 21.02.2022, wherein observations have been made regarding Government Resolution dated 07.11.2012, which streamlines the system of payment of salary to school employees. It is stated that powers are with respondent No.2. In this regard we may observe that when the ladder has been created i.e. hierarchy is there, then the proposal may be submitted at the lower rank officer, but then he will have to forward it to the appropriate authority for decision and if at all the procedure permits, he may put his remarks on the same. But, certainly, he cannot reject the said proposal by assuming the powers of higher authority. Here, when the powers to include the name of a school employee are with respondent No.2, then the rejection of said proposal by respondent No.3 is illegal and without jurisdiction and, therefore, deserves to be set aside.

7 We **partly allow** the writ petition.

8 We set aside the order dated 22.01.2015 passed by respondent No.3.

9 We direct respondent No.3 to call the said proposal dated 17.10.2024 from respondent Nos.4 and 5 or he may give proposal to

respondent Nos.4 and 5 to submit a fresh proposal in that respect with all the documents to be annexed, within a period of two weeks from today and then forward the said proposal to respondent No.2 within a period of one week.

10 Respondent No.2 after receipt of the said proposal should proceed to decide the same, on its own merits, within a period of four weeks thereafter.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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