



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO.11917 OF 2025

1. Smt. Kishori d/o Uttamrao Patil
Age:39 years, Occu: Service as Assistant
Teacher, Aadhar No.3164 3484 2020
r/o: Padmawati Galli, Tq.: Parli-Vaijinath
and Dist.: Beed.
2. Shri. Shrikant s/o Markandi Kogurwar
Age:37 years, Occu: Service as Assistant
Teacher, Aadhar No. 2056 8037 8263
r/o: Padmawati Galli,
Tq.: Parli-Vaijinath Dist.: Beed.
3. Smt. Anita d/o Dattatray Gopanpale @
Smt. Anita w/o Laxmanrao Rukar
Age:42 years, Occu: Service as Assistant
Teacher, Aadhar No. 7469 8158 3607
r/o: At. Post. Gopanpale Galli,
Tq.: Parli-Vaijinath and Dist.: Beed.
4. Shri. Gautam s/o Laxman Waghmare
Age:37 years, Occu: Service as Assistant
Teacher, Aadhar No.6832 2702 2576
r/o: At. Post. Bhimwadi,
Tq.: Parli-Vaijinath and Dist.: Beed.
5. Shri. Ashok s/o Baban Dole
Age:33 years, Occu: Service as Assistant
Teacher, Aadhar No.2024 2746 8217
r/o: Tharmal Colony, Parli Vaijinath,
Tq.: Parli-Vaijinath and Dist.: Beed. ..Petitioners

VERSUS

1. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Director of Education (Primary),
Maharashtra State,
Dr. Ani Bezant Road, Central Building,
Pune-411 001.

3. Deputy Director of Education,
Chhatrapati Sambhajnagar Division,
Chhatrapati Sambhajnagar,
(Aurangabad)
4. The Education Officer (Primary),
Zilla Parishad, Beed.
5. Padmawati Education Society,
Parli-Vaijnath Tq.: Parli-Vaijnath,
Dist.: Beed,
Through its Secretary/President.
6. Sanskar Primary School, Parli-Vaijnath
Tq.: Parli-Vaijnath Dist.: Beed.,
Through its Head Master. ... Respondents

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Shri. V. S. Panpatte, Advocate for the Petitioners
Shri. P. K. Lakhotiya, AGP for the State
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**CORAM : N. B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.**

Dated : MARCH 30, 2026

ORAL JUDGMENT (Per : N. B. Suryawanshi, J.) :-

1. Rule. Rule made returnable forthwith and heard finally with the consent of learned Advocates for the parties.

2. This petition seeks the following reliefs:

“B. By a writ of mandamus or any other appropriate writ or direction in the like nature, the order dated 21.03.2025 issued by the Respondent no.3 (at Exh.‘M’) may kindly be modified by deleting the condition that, “salary grants to the petitioners will be payable from the academic year from which corrected staff sanction is granted” incorporated in the said order or the respondent no.3 be directed to modify the said order to that extent;

C. It may be held and declared that, the petitioners are entitled for salary from the date of their initial

appointment i.e. 23.01.2013 and accordingly, the respondent no.4 – Education Officer may kindly be directed to release the arrears of salary of the petitioners within stipulated period of four weeks.”

3. Learned Advocate for the Petitioners by relying on the decision of this Court in Writ Petition No.12243 of 2016 and connected matters, and decision of the Circuit Bench at Kolhapur in Writ Petition Nos.2556 of 2020, 12494 of 2025, submits that issue raised in this Petition is squarely covered by the said order/Judgments.

4. Learned AGP has opposed the Petition by relying on the Affidavit-in-reply filed by Respondent No.3 - Deputy Director of Education.

5. Heard learned Advocate for the Petitioners and learned AGP for the State at length. Perused the record.

6. Indisputably, the Petitioners possess requisite qualifications for appointment on the post of Shikshan Sevak. Petitioner Nos.1, 2 and 5 are appointed from the open category, Petitioner No.3 is appointed from OBC category and Petitioner No.4 is appointed from SC Category on the posts of Shikshan Sevaks after following due procedure. By the order dated 13.06.2014, Respondent No.4 granted approval to the appointments of the Petitioners on the aided posts as Shikshan Sevaks for a period of three years from 23.01.2013. Thereafter, by order dated 23.02.2024, permanent approval was granted to the services of the

Petitioners with effect from 24.01.2016.

7. For the academic year 2012-2013, 54 posts of teachers were sanctioned by Respondent No.4, considering the strength of students. However, subsequently, for the period from 2016-17 to 2021-22 Respondent No.4 sanctioned only 49 teaching posts. Respondent No.5, therefore, submitted a proposal to Respondent No.4 for correction of the teaching staffing pattern (*Sancha Manyata*) of Respondent No.6 - School for the said period, i.e., from 2016-17 to 2021-22. The said proposal was recommended by Respondent No.4 – Education Officer to Respondent No.2. Respondent No.5 also made a representation to the Desk Officer of the State Government on 22.08.2023. By communication dated 29.08.2023, the Desk Officer directed Respondent No.2 to carry out correction of staffing pattern as per the Government letter dated 17.07.2023. Respondent No.2 thereafter by communication dated 20.10.2023 directed Respondent No.4 to correct the staffing pattern of Respondent No.6 – School as per letter dated 17.07.2023.

8. Respondent No.4 accordingly in the month of October – 2023 approved staffing pattern of Respondent No.6 – School by sanctioning 54 teaching posts for the academic year 2022-23 only, but he did not correct the staffing pattern from the year 2016-17 to 2021-22.

9. In the meanwhile, Respondent No.6 submitted proposal to

Respondent No.4 for inclusion of names of Petitioners' in Shalarth Pranali. The said proposal was recommended by Respondent No.4 on 07.02.2025. Respondent No.3 – Deputy Director of Education by order dated 21.03.2025 granted permission to include the names of the Petitioners in Shalarth Pranali, however, it is stated that as per the Government communication dated 29.08.2023, there is protection to the working posts and salary grants will be payable from the academic year from which the corrected staffing pattern is sanctioned. The Petitioners are aggrieved by this order.

10. At Circuit Bench at Kolhapur, the Co-ordinate Bench of this Court in Writ Petition No.2556 of 2020 considered a similar fact situation wherein, though approval to the appointments of the petitioners was granted from the date of appointment, the grant-in-aid was ordered only from the date of approval. Relevant observations of this Court are as follows:

*“7.6. In the case of **Santosh Suresh Jadhav** (supra), this Court in the similar circumstances quashed the condition in the approval order, wherein for specified period the salary grants were not paid. In that case, this Court made payable the salary grant to the Petitioner therein from the date of his appointment.*

*7.7. In the case of **Smt. Varsha Kamlesh Parab** (supra), this Court observed thus:*

“9.1 We have thoroughly heard both the learned Counsels for the respective parties.

9.2 It is absolutely no more in dispute that the Petitioner No.1 was appointed through proper procedure.

9.3 It is only upon finding that the Petitioner No.1 is

appointed through proper channel by completing each formality, and her recruitment as also the appointment order was perfectly within the four corners of law, the Education Officer granted the approvals.

9.4 A fact which can not be overlooked is that the Petitioner No.1 was appointed on the subject matter post which has fallen vacant due to voluntary retirement of the earlier Junior Clerk.

9.5 As such, it was not a creation of any new post, therefore, the status of the subject matter post was an approved post as per the then prevailing staffing pattern.

10. We accept the argument of Mr. Bhavake, learned Counsel for the Petitioners that in the given facts and circumstances, where the subject matter post was vacant due to voluntary retirement of earlier Employee, new staffing pattern or the imposition of any condition/ ban would not be applicable to the subject matter post.

11. Furthermore, we do not comprehend with the logic applied by the Education Officer thereby bifurcating the responsibility of honorarium/ salary for the given periods and for the given reasons.

12. Once the approval is granted from the date of appointment, the Education Officer and the Deputy Director of Education are under obligation to pay the honorarium / salary to the Petitioner No.1 from the grant-in-aid of the Petitioner No.3 – School.

7.8. It is not the case that the Petitioner has executed any indemnity bond or has given any undertaking. Even if given, such undertaking / indemnity bond cannot be used for restricting the salary grant for excluding the salary grant for a specified period i.e. from the date of appointment till the date of approval, if the approval is to the clear appointment.”

10.1. With these observations, the Writ Petition was allowed and impugned conditions imposed by the Education Officer were quashed and set aside and Respondents were directed to release all the salary arrears payable to the Petitioner with effect from 05th July 2012 till 28th December 2018.

11. The abovementioned observations are squarely applicable to the facts of the present case. We find no logic in the order passed by Respondent No.3 – Deputy Director of Education in stipulating that Petitioners will be entitled for salary from the date on which the staffing pattern is corrected in the year 2022-2023. The said stipulation is unsustainable in view of the afore-stated observations.

12. In the result, the Writ Petition is allowed.

13. The impugned remark made by Respondent No.3 – Deputy Director of Education in the annexure appended to the order issued on 21.03.2025 is hereby quashed and set aside.

14. Respondent Nos.2 to 4 are directed to pay salary to the Petitioners from the date of their initial appointments i.e. 23.01.2013. The arrears be paid to the Petitioners within a period of twelve (12) weeks from the date of uploading of this order.

15. Rule is made absolute in the aforesaid terms.

(VAISHALI PATIL-JADHAV, J.)

(N. B. SURYAWANSHI, J.)