



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14565 OF 2025

1. Ramrao s/o Babasaheb Shep
Age: 37 years, Occu.: Service as
Assistant Teacher,
R/o. At Post, Bankarnja,
Tq. Kaij, Dist. Beed.
2. Prabodhkant s/o Shivaji Samudre
Age: 31 years, Occu.: Service as
Assistant Teacher,
R/o. At post Chinchpur,
Tq. Dharur, Dist. Beed.
3. Smt. Shaila d/o Vitthalrao Dorkhe
Age: 30 years, Occu.: Service as
Assistant Teacher,
R/o. At Post Hole,
Tq. Kaij, Dist. Beed.

.. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education,
Aurangabad Division, Aurangabad.
3. The Education Officer (Secondary),
Zilla Parishad, Beed.
4. Jivan Vikas Shikshan Prasarak Mandal,
Kaij, Tq. Kaij, Dist. Beed.
Through its President/Secretary.
5. Swami Vivekanand Vidyamandir (MAVI),
Kaij, Tq. Kaij, Dist. Beed.
Through its Head Master

.. Respondents

...
Mr. V. S. Panpatte, Advocate for the petitioners.
Mr. A. M. Phule, AGP for respondent Nos.1 to 3/State.
...

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

**RESERVED ON : 06 MARCH 2026
PRONOUNCED ON : 17 MARCH 2026**

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. The petitioners had initially prayed for direction against respondent No.2 to include the names of petitioners in Shalarth I.D., however, during the pendency of the petition, it appears that said proposal has been decided on 22.05.2024. Therefore, by way of amendment, the impugned order passed by respondent No.2 rejecting the proposal for inclusion of the names of the petitioners in Shalarth I. D. has also been challenged.

2. Heard learned Advocate Mr. V. S. Panpatte for the petitioners and learned AGP Mr. A. M. Phule for respondent Nos.1 to 3/State.

3. Though voluminous documents have been produced on record, the fact remains is that the petitioners' appointments with respondent No.5 school, which is run by respondent No.4 management, are not in dispute. The approval was granted to the appointments of the petitioners by the Education Officer and thereafter, after necessary procedure the proposals

were given for inclusion of the names of the petitioners in Shalarth I.D. As the proposal was not being decided, one of the petitioners had approached this Hon'ble Court, whereupon this Court directed respondent No.2 to decide the said proposal. It appears that the said proposal/application has thereafter been rejected.

4. Learned Advocate for the petitioners submits that the rejection of the proposals for inclusion of the petitioners' names in the Shalarth I.D. by respondent No.2 is erroneous. The said proposals have been rejected in view of the Government Resolution dated 29.04.2024.

5. We do not want to go much into the details. From the perusal of the impugned orders dated 22.05.2024 passed by respondent No.2, it can be seen that no details have been mentioned and the rejection is on a cryptic note. It is stated only that “शासन पत्र दि.२९.०४.२०२४ नुसार अमान्य.” It has not been clarified which provision of the said Government Resolution has not been followed. If we consider the said Government Resolution dated 29.04.2024, it is in the nature of directions issued to the Education Officers, giving jurisdiction to respondent No.2 to decide such proposals where the transfer is from an unaided or partially aided school to a fully aided school. The decisions of this Court in **Mansi Arun Kelkar Vs. The State of Maharashtra Through its Principal Secretary and others, [Writ Petition**

No.1021 of 2025 decided on 03.02.2025] and Amol Baban Sangar Vs. The State of Maharashtra and others, [Writ Petition No.8966 of 2021 decided on 21.02.2022] have not been followed while considering the proposals for including the name of the petitioner in Shalarth I.D.

6. Learned AGP submits that the petitioners have been transferred from unaided to aided post and, therefore, such approvals and inclusion of name of Shalarth I. D. is now within the jurisdiction of Commissioner of Education, Pune. Respondent No.2 Kailas Ganpatrao Datkhil has filed affidavit-in-reply and then submits that after scrutinizing the proposals, he had taken out six deficiencies and issued letter to the management on 04.03.2026, which was in the nature of show cause-cum-hearing notice to all the persons. The hearing took place on 10.03.2026 by adhering to the principles of natural justice and thereafter, the decision has been taken. He now relies on the Government Resolution dated 10.06.2022.

7. The first and the foremost fact that is required to be noted is that whatever has been stated by Mr. Kailas Datkhil in the affidavit-in-reply has not been reflected in the order that was passed on 22.05.2024. In fact, these three letters in respect of three petitioners are signed by Junior Administrative Officer attached to the office of respondent No.2. It does not give those details when the hearing had taken place and in fact, these orders

are not even signed by respondent No.2. The letters or orders dated 22.05.2024 do not say that the said letters have been issued on the directions of respondent No.2. Therefore, there is a total chaos in the office of respondent No.2, which is in fact unnecessary. In his affidavit Mr. Kailas Datkhil is not explaining as to why he had not signed those letters or along with affidavit he has not annexed the order that was passed by him and, therefore, his statements are of no value. Though he says that he had relied on the Government Resolution dated 10.02.2022, he has not explained as to why he had not considered the decisions of this Court in **Amol Baban Sangar (Supra)** and **Mansi Arun Kelkar (Supra)**. The rejection has to be a reasoned order and, therefore, the impugned orders in this case deserve to be quashed and set aside.

8. The Education Officers or the Higher Officers from the said department, due to their arbitrariness, are creating litigations, which in fact they can avoid. They are unnecessarily making the teachers or non teaching staff to approach this Court and even at times on multiple times. Comprehensive directions have been given in the recent past by this Court which they should observe and in fact, the higher officers from that department should give clear directions to such officers. In fact, there should be a mechanism to evaluate the accountability of such erring officers, as they are forcing the teachers to approach the High Courts. We therefore impose

cost on respondent No.2 for passing such cryptic order and forcing the petitioners to approach this Court.

9. Now, the jurisdiction to decide the said proposals in respect of the petitioners is with the Commissioner of Education, Pune. Though he is not the party, we are giving appropriate directions. Hence, the following order :-

ORDER

I) The Writ Petition stands partly allowed.

II) The impugned orders dated 22.05.2024 passed in respect of each of the petitioners, signed by Junior Administrative Officer from the office of respondent No.2, stands quashed and set aside.

III) We direct the Commissioner of Education, Pune to call the proposals in respect of petitioners from respondent Nos.4 and 5 within a period of three weeks from today to himself and after making scrutiny and giving hearing, if required, to the management as well as the petitioner, should decide those proposals within a period of eight weeks thereafter.

IV) Respondent No.2 Mr. Kailas Ganpatrao Datkhil to deposit amount of Rs.10,000/- with the High Court Legal Services Sub Committee, Aurangabad within a period of 15 days from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm