



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 15247 OF 2025

Shri Shrikant S/o Dhondiram Jogdand,
Age-39 years, Occu:Service as
Assistant Teacher,
Presently residing at Nandur (Ghat),
Taluka-Kaij, District-Beed.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32,
- 2) Deputy Director of Education,
Chhatrapati Sambhajanagar Division,
Near Bhadkal Gate, Meipa Building,
Chhatrapati Sambhajanagar,
- 3) The Education Officer (Secondary),
Zilla Parishad, Beed,
- 4) Jivan Pragati Secondary and Higher
Secondary School, Nandur (Ghat),
Taluka-Kaij, District-Beed,
Through its Head Master

...RESPONDENTS

...
Mr. V.S. Panpatte Advocate for Petitioner.
Mr. V.M. Kagne, A.G.P. for Resp. Nos. 1 to 3.
...

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

DATE : 20th JANUARY, 2026

ORDER [PER SMT. VIBHA KANKANWADI, J.] :**1. Present Petition has been filed for following reliefs:-**

"B. By a writ of certiorari or any other appropriate writ or direction in the like nature, the order dated 25.07.2025 issued by the respondent no.2 (Exh. 'G') may kindly be quashed and set aside.

C. By a writ of mandamus or any other appropriate writ or direction in the like nature, the respondent no.2 may please be directed to grant permission to include the name of the petitioner in Shalarth Pranali within a period of two weeks and further the respondent no.3 may please be directed to release the arrears of salary of the petitioner with further monthly salary regularly within a period of three weeks."

2. Heard learned Advocate Mr. Panpatte for the petitioner and learned AGP for respondent Nos.1 to 3. No necessity to issue notice to respondent No.4.**3. The petitioner came to be appointed as assistant teacher in respondent No.4 school on 15th June 2012, on no grant basis. After the initial approval to his appointment on probation, permanent approval came to be granted to his services. It was also on no grant basis. The petitioner states that in due course**

he came to be transferred to 100% aided post of assistant teacher in respondent No.4 school from 1st April 2022. Thereafter the proposal was submitted for inclusion of his name in Shalarth Pranali, which came to be rejected by the impugned order dated 25th July 2025, on the ground that the proposal has been given belatedly and reliance has been placed on Government Resolution dated 23rd August 2017.

4. The learned Advocate for the petitioner relies on ***Amol Baban Sangar vs. State of Maharashtra and others, (Writ Petition No.8966 of 2021)*** decided by this Court at Principal Seat, Mumbai, on 21st February 2022, whereby the Government authorities were asked not to travel beyond the Government Resolution dated 7th November 2012. He submits that the impugned communication dated 25th July 2025 is issued by the Education Sub-Inspector, attached to the office of respondent No.2, who is not the appropriate authority.

5. The first and foremost fact that is required to be noted from the impugned communication is that the Education Sub-Inspector has not stated that he is merely communicating the decision that was taken by respondent No.2. The said

communication gives an impression that he himself has taken that decision. Whether to include the name of the assistant teacher in the Shalarth Pranali or not, has to be decided by respondent No.2. Even the Education Officer is only supposed to forward the proposal with his remarks and is not supposed to reject the said proposal, as he has no authority. Further, the reason stated for rejection is absolutely illegal. Merely because there is delay, it cannot be rejected. At the most, an explanation can be called from the concerned institution, as to why there is delay in sending the proposal. When no such procedure has been adhered to, the impugned communication dated 25th July 2025 deserves to be quashed and set aside.

6. The Writ Petition stands partly allowed. The impugned communication dated 25th July 2025, stands quashed and set aside. Respondent No.2 is directed to take the decision on the proposal in respect of the petitioner, submitted on 21st March 2024, within a period of EIGHT WEEKS from today.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE