



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

WRIT PETITION NO. 15323 OF 2025

Smt. Sangita d/o Ramkrishna Kulkarni,
Age : 42 years, Occu: Service as
Assistant Teacher, presently residing at Nandur (Ghat),
Tq. Kaij, Dist. Beed.

....Petitioner

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai.
2. Deputy Director of Education,
Chhatrapati Sambhajnagar Division,
Near Bhadkal Gate, Miepa Building,
Chhatrapati Sambhajnagar.
3. The Education Officer (Secondary),
Zilla Parishad, Beed.
4. Jivan Pragati Secondary and
Higher Secondary School,
Nanddur (Ghat), Tq. Kaij, Dist. Beed,
Through its Head Master.

...Respondents

.....
Mr. V. S. Panpatte – Advocate for the Petitioner
Mr. S. B. Pulkundwar – AGP for the State
.....

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

DATED : 27TH JANUARY, 2026

ORDER [*Per* Smt. Vibha Kankanwadi, J.] :-

1. The Petitioner challenges the order dated 25.07.2025 issued by Respondent No. 2. She has made consequential prayers for granting permission to include her name in the Shalarth Pranali within a stipulated period, and releasing the arrears of her salary.

2. Heard the learned Advocate for the Petitioner and the learned AGP for the State.

3. The Petitioner was appointed as an Assistant Teacher in Respondent No. 4 – School with effect from 15.06.2014 on a no-grant basis, as the said school was not receiving grant-in-aid. After the probation period, approval for the appointment of the Petitioner came to be granted on a no-grant basis. The Petitioner was thereafter transferred to a 100% aided vacant post of Assistant Teacher in Respondent No. 4 with effect from 01.07.2022.

4. The proposal for including the name of the Petitioner in the Shalarth Pranali was sent to Respondent No.2 through Respondent No.3, however, it was rejected on three grounds. The reasons for rejection are: (1) the documents were not duly attested, (2) the proposal was submitted belatedly and the explanation dated 01.07.2025 given by the Headmaster was not acceptable, and (3) the transfer from the unaided

to the aided post is dated 01.04.2022, and when there was a ban on Shalarth, the proposal was still submitted on 21.03.2024, and therefore, the proposal is rejected.

5. The learned advocate appearing for the Petitioner has taken us through all the documents and submits that, in fact, Respondent No. 3—the Education Officer, while forwarding the proposal, had recommended the inclusion of the Petitioner in the Shalarth Pranali. Though the transfer of the Petitioner from the unaided to the aided post was effective from 01.07.2022, the proposal was sent on 21.03.2024. It cannot be stated that there was a huge delay. The said transfer and the approval of the transfer were granted by the Education Officer on 19.03.2024, therefore, the next course of action was to include her name in the Shalarth Pranali, and there was absolutely no delay if these facts are considered.

6. The Petitioner places reliance on the observations in *Dnyaneshwar Laxman Chavan v. The State of Maharashtra and Others*, Writ Petition No. 5013 of 2022, decided by this Court on 05.05.2022, wherein it has been observed that the Deputy Director of Education has no power to decide the merits of an order passed by the Education Officer granting approval, unless a case of fraud, misrepresentation, or suppression is established before him. She also relies on the observations

in *Ashwini Yogesh Shete v. State of Maharashtra and Ors.*, Writ Petition No. 6897 of 2021, with companion matters, decided on 20.10.2021, wherein, taking note of the decision in *Sanjay Pandurang Powar v. State of Maharashtra*, Writ Petition No. 11244 of 2019, dated 08.10.2021, it was observed that once approval is granted by the Education Officer for the appointment of the Petitioner, the Deputy Director of Education has no jurisdiction to refuse to enter the name of the employee in the Shalarth Pranali.

7. The learned AGP supports the decision taken by Respondent No. 2.

8. Here, it is to be noted that the facts are clear and admitted. The appointment of the Petitioner is not in dispute, and her approvals are also not in dispute. Her transfer from the unaided to the aided post is effective from 01.07.2022, and while granting approval for the same, Respondent No. 3 did not note any delay in submitting the proposal. Only after the said approval was given by Respondent No. 3, further action for the inclusion of the name of the Petitioner in the Shalarth Pranali would be undertaken, therefore, after receipt of the approval, the proposal, submitted by the Headmaster of the School on 21.03.2024, appears to have been forwarded to Respondent No. 2 through Respondent No. 3.

9. The role of Respondent No. 3 is only to receive the proposal and forward it to Respondent No. 2 with his remark or certificate. Accordingly, in this case, Respondent No. 3 forwarded it to Respondent No. 2 on 24.04.2024, wherein it was also not noticed by Respondent No. 3 that there was any delay in the proposal.

10. Now, Respondent No. 2, by going beyond the order passed by the Education Officer regarding the approval of the transfer and without questioning the same, has simply rejected it on the ground that there was some ban on forwarding proposals for the inclusion of the name of the employee in the Shalarth Pranali.

11. We are of the further opinion that reason no. 3 is as vague as possible. It is not clear who imposed the ban. When the State Government has developed the procedure, then, unless the State Government, by its decision, announces a ban, it cannot be announced by any higher official on his own. The said system or Pranali has been created to benefit the State Government itself, which would make its task easier while releasing the payments.

12. We find that the impugned order dated 25.07.2025 is totally without application of mind and without taking note of the earlier decisions of this Court in *Dnyaneshwar Chavan, Ashwini Shete*,

as well as *Amol Baban Sangar v. The State of Maharashtra and Others*, Writ Petition No. 8966 of 2021, decided by the Principal Seat of this Court on 21.02.2022. As Respondent No. 2 has not applied his mind, the Petitioner was unnecessarily required to approach this Court, and, therefore, when we come across such orders in recent times, we impose costs upon concerned Respondent.

13. For the aforesaid reasons, we pass the following order: -

- [i] The Petition is partly allowed.
- [ii] The impugned order dated 25.07.2025 is hereby set aside.
- [iii] Respondent No. 2 shall pass an order for the inclusion of the name of the Petitioner in Shalarth Pranali in view of the proposal, which he shall call from the Management through Respondent No. 3, and this entire exercise shall be completed within a period of four (4) weeks from today.
- [iv] Respondent No. 3, after the inclusion of the name of the Petitioner in Shalarth Pranali, shall take steps for the release of the salary of the Petitioner as per rules, within a further period of four (4) weeks.
- [v] Respondent No. 2 shall deposit costs of Rs. 5,000/- [Rupees Five Thousand] with the High Court Legal Services Sub-Committee, Aurangabad Bench, within a period of

fifteen (15) days from today, and henceforth take the decisions of this Court into consideration while passing orders.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

SG Punde