



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO. 1669 OF 2026

Haribhau Ramdas AdhagalePetitioner

VERSUS

The State of Maharashtra & othersRespondents

Mr. R. I. Wakade, Advocate for the Petitioner.
Mr. V. M. Kagne, AGP for the State.

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

DATE : 23rd MARCH, 2026.

PER COURT :

1. The present petition has been filed for following relief :-

“B) By issuing appropriate writ, order or directions in the like nature, quash and set aside the impugned communication dated 09.08.2024 issued by respondent No. 3 and consequently direct the respondent No. 3 to include name of petitioner in Shalarth Salary System as Asst. Teacher and release his arrears of salary within stipulated time.”

2. The Petitioner possessing M.Com B.Ed. qualification, member of Scheduled Tribe was eligible to be appointed on the post of Assistant Teacher. He was appointed initially on 20.06.2014 in the junior college namely R. M. Dhariwal Secondary and Higher Secondary Junior College, Kondhapur, Tq. Shirur, Dist. Pune by

following due procedure of law. Respondent No. 3 has granted approval to his appointed on 16.05.2016 on unaided basis with effect from 20.06.2014. He was made permanent after probation period was successfully completed. Respondent No. 4/institution, in daily news paper dated 18.04.2019, invited applications from the qualified eligible candidates to fill up the post of Assistant Teacher (Full Time) reserved for Scheduled Caste category candidates. After going through the process, he came to be appointed with effect from 15.06.2019 as Assistant Teacher. He joined service from 15.06.2019. He had tendered resignation of his earlier appointment and therefore, this was his new appointment and therefore, a proposal for approval was forwarded through proper channel. By order dated 27.08.2019, Respondent No. 3 sanctioned approval to the post of the Petitioner in the pay scale for probation of two years. Thereafter the proposal was forwarded on 11.10.2023 to include the name of the Petitioner in Shalarth ID. However, by letter dated 07.03.2024, Respondent No. 3 directed that the proposal be submitted in view of Government Circular dated 24.04.2023 as well as letter dated 26.10.2023. As per the said instructions, again the proposal was forwarded but again, on scrutiny of the proposal, Respondent No. 3 observed that the appointment is not through Pavitra Pranali and therefore,

Respondent No. 3 directed Respondent No. 4 to submit the proposal as per Government Resolutions date 23.08.2017 and 10.06.2022. In a way, Respondent No. 3 had refused to include name of the Petitioner in Shalarth ID.

3. Heard learned Counsel for both the sides.

4. Learned Advocate for the Petitioner, after taking us through the documents on record, submits that the Commissioner of Education, Maharashtra State, Pune had issued certain directions on 09.06.2022 to the Education Department in respect of inclusion of names of the employees in Shalarth Pranali and even the Government Resolution dated 21.04.2023 has issued directions mandating all the officers to work with speed and avoid delays. Respondent No. 3 has failed to adhere to the schedule. The earlier appointment of the Petitioner was not considered at all and when the qualified and experienced person was required, there is no question of adhering to the appointment through Pavitra Pranali. Another fact to be noted is that appointment of the Petitioner was granted by the same authority, the same authority scrutinised the proposal and returned the same, then infact, it amounts to sitting over his own

position as appellate authority. The proposal ought to have been forwarded to the higher authorities.

5. Learned APP submits that Respondent No. 3 infact ought to have forwarded the proposal to the higher authority but now, the authority is undertaking that within one week the proposal would be forwarded to the Chairman, Divisional Examination Board, Pune.

6. Here, we are constrained to observe that many officers from Education Department are not adhering to their duties and committing mistake one after another and they are not taking into consideration the various decisions given by this Court. Of course, they are guided by various Circulars and Government Resolutions but the simple thing is that the same authority cannot sit over its own decision in any way as an appellate authority. Atleast, Respondent No. 3 ought to have seen that he is the same authority who had granted approval to the appointment of the Petitioner by order dated 27.08.2019. When at that time, it is the same authority who had to see as to whether there are any defects or illegality in the appointment of the employee, then the said defect, if curable, ought to have been got cured or if it is not curable, then it ought to have

been rejected and if has not taken such steps but approved the services of the Petitioner, then the same Officer “carrying same designation” cannot question the approval order in any manner, neither directly nor indirectly. Here, twice the same mistake has been made. The proposal for including the name of the Petitioner in the Shalarth ID was rejected by Dr. Joyti Solanki in her capacity as Assistant Director on 07.03.2024 and then it appears that after re-submitting the proposal Mr. Rajendra Ahire, Deputy Director of Education, by letter dated 09.08.2024, returned the same. Interestingly, in the earlier letter dated 07.03.2024, the question of appointment through Pavitra Pranali has not been raised specifically. Both of them have not considered that the approval that was granted under the signature of Meenakshi Raut, Deputy Director of Education, was almost of the equal rank to them. It is unimaginable that they both had no knowledge that when such approvals are given they are required to be forwarded to Chairman, Divisional Examination Board. Now, it is to be seen that the Petitioner is unnecessarily required to come to this Court to challenge those letters. The Education Department, if acts diligently and adhering the procedure, then certainly it can avoid the litigation.

7. Now, the fact remains is that Respondent No. 3 is not the proper authority to scrutinise the said proposal. Certainly, if by circular or notification it is mandated that they should forward such proposals to the higher authority, then they cannot go beyond the circulars and the Government Resolutions in that respect.

8. Under these circumstances, we will have to partly allow the petition. We set aside the communication dated 04.08.2024 issued by Respondent No. 3. Respondent No. 3 to call the proposal from Respondent No. 4 within a period of one week and then forward it to the Chairman, Divisional Examination Board, within a period of one week thereafter. We make it clear that henceforth if it is found that the Education Department is not adhering to the basic requirements of the Government Resolutions and the decisions of this Court, then the concerned officer would be held responsible and apart from suggesting departmental action against them, they would be made liable to pay costs for making the Petitioners to approach this Court. We direct the Chairman, Divisional Examination Board, though he is not party to the petition, to decide the said proposal within a period of four weeks after its receipt.

9. Copy of this judgment be given to the Principle Secretary (Education).

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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