



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO.2084 OF 2026

GANESH NARHARRAO BORIKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. V.S. Panpatte, Advocate for petitioner

Mr. S.K. Tambe, AGP for respondents/State

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

DATE : 25th FEBRUARY, 2026

ORDER :

. Present petition has been filed to challenge the order dated 20.07.2021, 06.09.2023 and communication dated 16.07.2025 issued by respondent No.2, thereby rejecting the proposal to include the name of petitioner in Shalarth Pranali. Petitioner also prays that respondent No.2 be directed to include the name of petitioner in Shalarth Pranali with consequential prayer.

2 Learned Advocate for petitioner Mr. V.S. Panpatte submits that

petitioner is a trained Teacher and came to be appointed as Shikshan Sevak with effect from 01.07.2015 to 30.06.2018 in respondent No.6 school run by respondent No.5 institution on a clear vacant post. Approval came to be granted to his appointment by respondent No.3. Said school receives 100% grant-in-aid. After the completion of probation period of three years as Shikshan Sevak, petitioner came to be confirmed on the post of Assistant Teacher and permanent approval has been granted to his services. His name was not included in the Shalarth Pranali and, therefore, proposal was submitted on 01.03.2021. Said proposal was then forwarded to respondent No.2. Respondent No.2 by order dated 20.07.2021 rejected the proposal by pointing out certain deficiencies. The deficiencies were then removed and again the proposal was submitted to respondent No.3, who then forwarded it to respondent No.2 along with his remarks; yet, the proposal has been rejected merely by stating that those deficiencies pointed out in letter dated 06.09.2023 are maintained. The communication dated 16.07.2025 absolutely lacks application of mind on the point that when the petitioner's appointment has been approved, he has been confirmed, then he cannot raise the objections, which were allegedly there at the time of appointment of petitioner. He relies on the decision in **Amol Baban Sangar vs. The State of Maharashtra and others** in Writ Petition No.8966 of 2021, wherein note was taken of the decision in **Pramod Prabhakar Pokale vs. The State of**

Maharashtra [2019(3) Bom.C.R. 273], wherein this Court held that once an approval is granted by the Education Officer to the appointment of school employees, the Deputy Director of Education would have no jurisdiction to refuse the name of school employees in the Shalarth system. He also relies on the decision in **Dnyaneshwar Laxman Chavan vs. The State of Maharashtra and others** in Writ Petition No.5013 of 2022, wherein it is observed that -

“7. Even otherwise, the Deputy Director of Education has no power to decide the merits of the order passed by the Education Officer granting approval unless the case of fraud, misrepresentation or suppression is established before the Deputy Director of Education.”

3 Learned AGP for respondents/State submits that though there appears to be some explanation; yet the fact that appears that at the time of appointment of petitioner the reservation policy was not adopted.

4 The first and the foremost fact that is required to be noted is that letter dated 06.09.2023 is signed by Deputy Educational Inspector attached to office of respondent No.2. In this letter, there is absolutely no mention that respondent No.2 has taken the decision to reject the proposal. He is not the appropriate authority to decide the proposal for inclusion of name of any

employee in the school in Shalarth Pranali. Even if he is given duty to scrutinize the proposals, he on his own cannot take decision and communicate it on such proposals. Therefore, the said communication was illegal. When it appears that the proposal was earlier scrutinized on 20.07.2021 and defects were found, they were addressed and removed as per the letter given by respondent No.3 on 12.11.2021, whereby the proposal was re-submitted to respondent No.2. The explanations were given by the school by communication dated 15.09.2021. Neither in the said communication dated 06.09.2023 nor in the communication dated 16.07.2021 there is mention about the removal of the defects. Both these communications are also not taking note of various decisions of this Court in **Amol Baban Sangar** (supra), **Pramod Prabhakar Pokale** (supra) and **Dnyaneshwar Laxman Chavan** (supra). When High Court has interpreted and has laid down the law, then respondent No.2 cannot take up the scrutiny once again, which was already the part of approval. Here, in this case, not only once but twice the appointment of petitioner has been decided by Education Officer. Now, respondent No.2 cannot go back on the appointment of petitioner way back in the year 01.07.2015. The approach of respondent No.2 deserves to be deprecated and when we are finding such decisions taken again and again, we now put the Deputy Director of Education throughout the State of Maharashtra that if they don't consider the decision

of this Court, henceforth in respect of the matters before them for approval, then stern action would be taken against them under the Contempt of Courts Act.

5 As we find that communication dated 06.09.2023 and 16.07.2025 are illegal, we set them aside.

6 The matter is relegated to respondent No.2. Taking into consideration the approvals to the appointment of petitioner as Shikshan Sevak and Assistant Teacher accorded by the Education Officer, respondent No.2 to decide the said proposal by calling it from respondent Nos.5 and 6 through respondent No.3 within a period of one month from today, in the light of decisions aforesaid.

7 Learned AGP is directed to bring this decision to the notice of Education Department.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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