



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

WRIT PETITION NO. 3618 OF 2026

Sanjana Vivekanand Pangal

VERSUS

The State Of Maharashtra Through Its Secretary And Ors

Mr. M. D. Shinde, Advocate for petitioner

Ms. N. B. Kamble, AGP for respondent Nos. 1 to 3

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 06th April, 2026

PER COURT :-

1. Present petition has been filed for following reliefs :-

"B. By issuing writ of Certiorari or any other appropriate writ, order or directions in the like nature the letter dated 06.01.2026 issued by respondent No. 3 may kindly be quashed and set aside, by granting the approval to the petitioner for the post of Laboratory Assistant.

C. By issuing writ of Certiorari or any other appropriate writ, order or directions in the like nature the letter dated 28.05.2025 issued by respondent No. 2 may kindly be quashed and set aside.

D. By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the approval to the petitioner for the post of Laboratory Assistant kindly be directed to decide within a stipulated period."

2. Heard learned Advocate for the petitioner.
3. Learned AGP waives notice for respondent Nos. 1 to 3.

4. There is no necessity to issue notice to respondent Nos. 4 and 5 at this stage.

5. Petitioner is the employee working with respondent Nos. 4 and 5 as Laboratory Assistant since 17.03.2025. According to the petitioner, one Mr. Laxman Padurang Itkar retired on 31.07.2024 and then the petitioner was appointed after following due procedure and considering the approved staffing pattern of the year 2024-2025. According to the petitioner, as per the approved staffing pattern, 10 posts of non-teaching staff are vacant. After the approval of the petitioner, proposal dated 23.06.2025 was send to respondent No. 3 for grant of approval to the post of petitioner. It was returned by raising two deficiencies on 04.07.2025. After those defects were removed, a fresh proposal was submitted on 22.07.2025. The respondent No. 3 informed that the respondent No. 2 has issued letter/communication dated 28.05.2025 to the respondent No. 3 and others all over Maharashtra that until the receipt of sanctioned staffing pattern for the year 2024-2025 is issued through National Informatics Centre (for short "**N.I.C**") and surplus employees are absorbed, no decision can be taken on the approvals, Shalarth IDs in respect of non teaching staff. According to the petitioner, the action taken by respondent No. 2 is self contrary to the direction issued by the higher authority because the State Government by its Government Resolution dated 04.04.2025, had granted permission

to the appointment of the non teaching staff including the post for which the petitioner came to be appointed, thereby the stay that has been granted by respondent No.2 is unjust, arbitrary and contrary. Hence, this petition.

6. Learned Advocate for the petitioner relies on the decision of the Co-ordinate Bench of this Court at Nagpur in ***Vidarbha Minority Education Society and other societies Vs. The State of Maharashtra and others*** Writ Petition No. 8174 of 2025, wherein also the communication dated 28.05.2025 issued by respondent No. 2 were challenged as being contrary to the Government Resolution dated 04.04.2025. The said petition came to be allowed on 23.02.2026. The communication dated 28.05.2025, was quashed and set aside.

7. Learned AGP supported the action and also submitted that she would take the instructions from the respondent Nos. 2 and 3.

8. Here, the simple question that is involved is, whether by way of a circular or communication, respondent No. 2 can issue such directions as stated in communication dated 28.05.2025. Perusal of the said communication would show that the respondent No. 2 had considered the Government Resolution dated 04.04.2025. We have perused the Government Resolution dated 04.04.2025 wherein stage wise recruitment was permitted. The basic condition was in respect of

Sanchmanyata or *Bindunamavali*. Procedure was also laid down therein. Now, the question further pops up is that whether the respondent No. 2, by way of this communication, can add any condition if the Government had the intention to put such condition, then certainly the point on which the communication dated 28.05.2025 was issued, would have been certainly taken care of by the State. At the most, the communication dated 28.05.2025 would have tried to address the practical difficulty that the department might be facing. However, the said practical difficulty cannot be taken to such an extent that it would result in stay to the process of grant of approval. In a way, it is an injunction order that was issued by the respondent No. 2 to the Deputy Directors of Education, Education Officers, Secondary and Education Inspector. Further, we feel that there cannot be such blanket order. Schedule was not given as to within how much period the fresh *Sanchmanyata* of 2024-2025 would be available online through N.I.C. There is no scheduled prescribed as to when the absorption process would be completed. Therefore, for some indefinite period, there cannot be such directions.

9. We are also taking note of the decision of the Co-ordinate Bench in ***Vidarbha Minority Education Society and other societies***. It appears that all the petitioners were the minority institutions, and therefore, taking into consideration the rights under Article 30(1) of the Constitution of India, the decision was taken; however, the operative

order states that the impugned order dated 28.05.2025 issued by respondent No. 2 Director of Education is quashed and set aside. It has not been stated that qua petitioners therein only even if for the sake of arguments, it is accepted that the order was qua petitioners only. It can be seen that the care has been taken while issuing the orders that the respondent authorities to impose a condition of absorption of surplus non teaching staff in the approval order and also while allotting Shalarth ID and it should be in accordance with the Government Resolution dated 04.04.2025, and therefore, we may also adopt the same viewed. With these observations, we partly allow the petition.

10. The communication dated 06.01.2026, is hereby quashed and set aside. The respondent No. 3 should decide the proposal dated 23.06.2025 and letter dated 22.07.2025 within a period of 8 weeks from today and shall not reject the same on the ground of communication letter dated 28.05.2025 by respondent No. 2. The said proposal should be decided in accordance with the Government Resolution dated 04.04.2025 and proceed to grant consequential benefits if the approval is granted.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi