IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9799 OF 2024

Ravikiran Shamrao Kamble ...Petitioner

Versus

The State of Maharashtra and Others ...Respondents

Mr. Prashant Bhavake a/w Mr. Shivaa Navanne, for the Petitioner.
Mr. Utkarsh Desai for Respondent Nos.6 & 7.
Ms. Tejas J. Kapre, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh & Neeraj P. Dhote, JJ.

Date : October 06, 2026.

P. C. :

1. By the present Petition, the challenge is to the impugned order dated 16th March, 2022, by which the proposal seeking approval to the appointment of the Petitioner to the post of Peon came to be rejected by the Education Officer.

2. Briefly stated the facts of the case are that Respondent No.7 is minority institution. By reason of the promotion of the Peon to the post of Laboratory Assistant, the post became vacant. As the Respondent No.7 was a minority institution, the requirement of obtaining prior permission for issuance of an advertisement was not applicable and, accordingly, the advertisement was issued on 24th May, 2019, pursuant

to which the Petitioner applied and was appointed on 31st December, 2019, with effect from 1st January, 2020. The proposal came to be submitted on 6th July, 2020, which came to be rejected by the impugned order dated 16th March, 2022.

3. Learned counsel appearing for the Petitioner has taken this Court through the grounds for rejection of the proposal. He would submit that the reasons cited at Serial Nos.2, 3 and 4 will not apply, as Respondent No.7 is a minority institution. He would submit that, insofar as the reason at Serial No.5 is concerned, an advertisement was issued in a daily newspaper with wide circulation, which has not been considered. He would submit that the reasons cited at Serial Nos.6, 7 and 8 do not survive in view of the decision of the Hon'ble Division Bench of this Court in the case of ***Vikas Shikshan Mandal Vs. The State of Maharashtra and Others***[1]**,** where the Hon'ble Division Bench has held that, until the new staffing patterns were introduced in 2019 and 2020, the last staffing pattern introduced on 25th November, 2005, will hold the field. He would submit that the same would also cover the reason cited that, as per the Sanch Manyata of 2018-2019 and 2019-2020, the post of Peon was not sanctioned. He would submit that, insofar as the reasons at Serial Nos.10 and 11 are concerned, inadvertently, in the document, due to typographical error, instead of the promotion of the

1 Writ Petition No.6812 of 2024 dated 2nd February, 2026.

earlier Peon as Laboratory Assistant, it was only mentioned as promoted as Laboratory. He would further submit that though the impugned order records that list of candidates present for interview and their merit list is not submitted, the list of candidates and their grading was submitted, and points out Page No. 51 of the Petition. It is submitted that, without prejudice, he is willing to once again submit the documents to the office of the Education Officer.

4. *Per contra,* learned AGP would oppose the Petition and would submit that one of the reasons for rejection was that the roster was not verified. She submits that even if Respondent No.7 is a minority school, in the event, there is surplus teacher, the teacher could have been appointed to the minority institution and the vacancy could not have been filled as has been done in the present case. She further points out that the reason cited at Serial No.9 is that for the years 2018-2019 and 2019-2020, there is no sanctioned post of peon. She submits that, as the Education Officer has scrutinized the proposal and has rejected the same on cogent grounds, there is no reason for interference.

5. We have considered the submissions and perused the record.

6. Insofar as the rejection on the ground that no permission for advertisement has been taken, the Respondent No.7 is a minority institution, and therefore, the requirement of seeking permission for

issuance of the advertisement does not arise. The impugned order does not indicate any consideration by the Education Officer of the status of Respondent No.7 as a minority institution, and without noticing the said fact, the approval has been rejected, which is evident from the grounds on which the rejection is founded.

7. Insofar as the issue of staffing pattern is concerned, the Education Officer has taken into consideration the Government Resolutions dated 23rd October, 2013 and 12th February, 2015, in order to hold that the staffing pattern was not approved, and therefore, no recruitment could have been made.

8. The issue is no longer *res integra* and is covered by the decision of the Hon'ble Division Bench of this Court in the case of ***Vikas Shikshan Mandal Vs. The State of Maharashtra*** *(supra).* This Court has considered the said Government Resolutions and noted that holding that the policy of the 2013 Government Resolutions remained in force till the issuance of the 2019 and 2020 policies, or at least till the issuance of the Government Resolution of 2015, would be absolutely illogical. The Hon'ble Division Bench has expressed the reservations on keeping an absolute ban on appointments in the schools for five years, i.e. 2015 to 2020. In paragraph 12.14, it has held as under:

> "**12.14.** We are of considered view to hold that until the new staffing patterns were introduced in 2019 and 2020, the last staffing policy

> introduced vide Government Resolution dated 25.11.2005 was holding field. Thus, the conundrum created by the various Government Resolutions from 2013 to 2019 & 2020 (IV category) over the staffing pattern and the fate of the appointments made in the mean period, stands solved. Staffing pattern sought to be introduced by Government Resolution of 2013 lost its effect *ab initio* in view of Government Resolution of 2015. Meaning thereby, the earlier staffing pattern of 2005 stood superseded by the staffing pattern of 2019 (for all categories excluding Class IV) and by the staffing pattern of 2020 (for Class IV category), both operational prospectively from their respective dates of issuance."

9. It is further noted that the new staffing pattern for Class IV employees is operational only with effect from 11th December, 2020. The Petitioner has been appointed with effect from 1st January, 2020. The ground for rejection at Serial No. 7, that for the year 2018-2019 and 2019-2020, in the staffing pattern there was no sanctioned post of peon, is unsustainable, as the Hon'ble Division Bench has held that the last staffing policy introduced vide Government Resolution dated 25th November, 2005 would hold the field. The Petitioner has also placed on record the staffing pattern for the year 2012-2013, which shows that five posts of peons were vacant.

10. From the perusal of the impugned order, we do not find any cogent reason to reject the proposal seeking approval.

11. The impugned order notes that it is not clear as to the promotion of the earlier employee was on which post, and his approval has not been annexed, as well as the names of the candidates who were present for the interview and their grading have not been annexed. The

Petitioner can be directed to make available the said record to the Education Officer. However, the reasons which are cited for rejecting the approval are unsustainable.

12. In light of the above, the impugned order dated 16th March, 2022, is hereby quashed and set aside.

13. The Petitioner is directed to submit the explanation to Serial Nos. 10 and 11 within a period of one week from today. The same is only for the purpose of the record of the Education Officer.

14. The Education Officer is directed to grant approval to the appointment of the Petitioner to the post of peon with effect from 1st January, 2020, within a period of four weeks.

15. The Respondent No.4, - Deputy Director of Education to include the name of the Petitioner in the Shalarth Pranali and issue the Shalarth ID within a period of three weeks thereafter and to release the grant-in-aid salary within a further period of three weeks thereafter.

16. The Petition is allowed in the above terms.

[Neeraj P. Dhote, J.] **[Sharmila U. Deshmukh, J.]**