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

WRIT PETITION NO. 13090 OF 2025

Sharvari Santosh Thasale ...Petitioner
(Nee : Dipali Dasharath Khedekar)

Versus

The State of Maharashtra and Others ...Respondents

Mr. Prashant Bhavake, for the Petitioner.
Mr. Vikas M. Mali, AGP for the Respondent-State.

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

Date : October 05, 2026.

P. C. :

1. By the present Petition, the Petitioner challenges the order dated 7th August, 2015, passed by the Education Officer, rejecting the proposal for appointment of the Petitioner to the post of Shikshan Sevak in Respondent No. 7 – Secondary School with effect from 1st July, 2015.

2. The Petition pleads that, on 8th May, 2015, due to the demise of the then Assistant Teacher of Hindi subject, a vacancy was created for the post of Shikshan Sevak. In the years 2013 and 2015, applications were made to Respondent No. 5 – Education Officer, for communicating the information of suitable surplus Assistant Teachers for absorption in the said vacant post.

3. The Education Officer, by communication of June, 2015, informed the Management that, as the staffing pattern for the year 2014-2015 had not yet been finalized, the application seeking permission for advertisement could not be considered. On 21st May, 2015, an advertisement came to be published, pursuant to which the Petitioner applied and came to be appointed. A proposal was submitted seeking approval to the appointment of Petitioner, which came to be rejected by the impugned order.

4. Mr. Bhavake, learned counsel appearing for the Petitioner would submit that the proposal came to be rejected on several grounds. He would submit that insofar as the rejection on the ground of the ban on recruitment imposed by the Government Resolution dated 2nd May, 2012 is concerned, the Petitioner was appointed to the reserved post and, therefore, in view of the decision in the case of in the case of ***Smt. Munoli Rajashri Karabasappa Vs. State of Maharashtra Through Secretary & Others***[1], a copy of which is annexed at Page 86 of the Petition, the ban on recruitment would not apply.

5. He would further submit that the ground which is at Serial No. 2 was as regards the non-obtaining of permission for publishing the advertisement based on the issue of staffing pattern. He submits that the post to which the Petitioner came to be appointed was sanctioned

1 Writ Petition No. 8587 of 2016 dated 10th July, 2017.

post and became vacant by reason of the demise of the earlier Assistant Teacher, and, therefore, the said issue of approval of the staffing pattern would not apply. He would submit that the reasons cited at Serial Nos. 3 to 6 of the impugned order are deficiencies which can be complied with by the Management.

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

7. Insofar as the ban on recruitment imposed by the Government Resolution dated 2nd May, 2012 is concerned, the decision in the case of ***Smt. Munoli Rajashri Karabasappa Vs. State of Maharashtra Through Secretary & Others (supra)*** carves out an exception where the recruitment is made to fulfill the backlog of reserved category candidates. The Education officer to take into consideration the said decision and in the event the recruitment was for the purpose of fulfilling the backlog of reserved category candidates, the ban imposed by the Government Resolution dated 2nd May, 2012 would not apply.

8. Insofar as the rejection on the ground that no permission for advertisement has been taken from the Education Officer is concerned, the application dated 19th May, 2015 annexed at Page 41A of the Petition makes a reference to an application for advertisement made on 27th May, 2013. The response of the Education Officer does not deny that such an application was made in the year 2013. There was no

response to the said application and it is only after a period of almost two years, when the advertisement was issued on 21st May, 2015, that in June, 2015 the request was not considered on the ground of non-approval of staffing pattern.

9. It is open for the Management to satisfy the Education Officer about the applications filed seeking permission for advertisement and not considered and therefore cannot constitute a ground for rejection of the proposal. Insofar as the reasons cited at Serial Nos.3 to 6 are concerned, the Management is directed to comply with the deficiencies.

10. In light of the discussion above, we are inclined to set aside the impugned order rejecting the proposal for approval and remit the proposal to the Education Officer for consideration afresh, in the light of the observations of the present order and upon the Management complying with the deficiencies.

11. The Management to comply with the deficiencies within a period of two weeks from today.

12. The Education Officer to take into consideration the observations made in the present order and the explanations submitted by the Management, and to decide the proposal afresh, expeditiously, and in any event within a period of four weeks thereafter, uninfluenced by the earlier rejection of the approval.

13. In the event the approval is granted, Respondent No.4 to include the name of the Petitioner in the Shalarth Pranali and issue the Shalarth ID within a period of two weeks thereafter, and release the grant-in-aid salary within a period of four weeks thereafter.

14. The Petition is allowed in the above terms.

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