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

WRIT PETITION NO. 11680 OF 2024

Sumitra Mallikarjun Pujari nee Sumitra Rajendra Birajdar ...Petitioner

Versus

The State of Maharashtra and Others ...Respondents

Mr. Prashant Bhavake for the Petitioner.
Mr. V. G. Badgujar, AGP, for the Respondent-State.

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

Date : October 08, 2026.

P. C. :

1. By the present petition, the challenge is to the order of 25th July 2023 passed by the Education Officer rejecting the proposal sent seeking approval to the appointment of the Petitioner to the post of Peon.

2. The only ground on which the proposal has been rejected is by reason of *status quo* imposed by the Government Resolution of 12th February 2015 and the staffing pattern, which was introduced by the Government Resolution of 28th January 2019.

3. In the case of ***Shital Kumar Patil v. State of Maharashtra***,[1] the

1 Writ Petition No.4273 of 2019 & Connected writ petitions dtd. 16th July 2021.

Hon'ble Division Bench of this Court considered the said issue and has held that Section 5(1) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, '**MEPS Act**') is excluded and is not applicable to minority institutions. It further held that minority institutions are entitled to make appointments of teachers of their choice and such appointments cannot be vetoed until the time surplus teachers are accommodated/absorbed. It has further considered the Government Resolution of 12th February 2015 and held that the same did not apply, where the Petitioner is appointed prior to the said date.

4. In the present case, the Petitioner has been appointed in the year 2009. The Petitioner has been appointed in Respondent No. 7-Minority Educational Institution and, therefore, the Government Resolution would not apply, which has not been considered by the impugned order.

5. In the case of ***Vikas Shikshan Mandal v. The State of Maharashtra & Ors.***[2], it has been held in paragraph 12.14 as under:

> ***"12.14*** *We are of considered view to hold that until the new staffing patters 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*

2 Writ Petition No.6812 of 2024 dtd. 2nd February 2026.

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."

6. It is evident that it is the staffing pattern of 2005, which will govern the appointment of the Petitioner. Perusal of the impugned order would indicate that the Education Officer has not ascertained as to whether the appointment of the Petitioner is as per procedure and on a sanctioned post and has rejected the same only on the basis of the Government Resolutions.

7. In view of the above, the impugned order dated 25th July 2023 is hereby quashed and set aside.

8. The proposal is remitted to the file of the Education Officer to be decided afresh in light of the observations in the present order expeditiously and in any event, within a period of six weeks from today.

9. In the event the approval is granted, Respondent No.4-Deputy Director of Education to allot Shalarth ID to the Petitioner and include the name of the Petitioner in the Shalarth Pranali within a period of two

weeks thereafter on the grant of approval and release the grant-in-aid salary as permissible in accordance with law within a period of three weeks thereafter.

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

RAJU DATTATRAYA GAIKWAD
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Date: 2026.10.09 13:18:03 +0530