

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

WRIT PETITION NO. 4976 OF 2023
WITH
WRIT PETITION NO. 5026 OF 2023
WITH
WRIT PETITION NO. 5146 OF 2023
WITH
WRIT PETITION NO. 4988 OF 2023
WITH
WRIT PETITION NO. 5073 OF 2023
WITH
WRIT PETITION NO. 5075 OF 2023
WITH
WRIT PETITION NO. 5089 OF 2023
WITH
WRIT PETITION NO. 5099 OF 2023
WITH
WRIT PETITION NO. 5101 OF 2023
WITH
WRIT PETITION NO. 2889 OF 2024

DISTRICT - SANGLI

Bharat Shikshan Sanstha, Utagi through its
President and Ors.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Mr. Prashant Bhavake for the Petitioner.

Mr. V.M. Mali, AGP for Respondent -State in WP 4976/2023 & 5101 of 2023.

Mr. A.A. Naik, AGP for Respondent – State in WP 5076/2023, 5099/2023 & 4988/2023.

Mr. S.B. Kalel, AGP for Respondent – State in WP 5146/2023, 2889/2024 & 5073/2023.

Mr. A.P. Vanarase, AGP for Respondent – State in WP 5076/2023 & 5089/2023.

.....

**CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.**

DATE : 18th FEBRUARY, 2026.

ORAL ORDER : (Per Ajit B. Kadethankar, J.)

- 1.** Heard Mr. Bhavake, learned counsel for the petitioner.
- 2.** Learned AGP in all the matters submitted on record the reply affidavits filed by the concerned Authority.
- 3.** Mr. Bhavake, learned counsel for the petitioners in all the matters would submit that in all the cases the Management Institutions are Minority Institutions. He would submit that the status of all the petitioner – Managements as Minority Institutions is intact today and the status has not been withdrawn by the State Government. He would further submit that in all the matters, petitioner No.1 i.e. School Management is one and the same and its status as Minority Institution is never recalled or revoked by the State Government. He would further submit that the petitioner - employee in each petition was appointed by due process of law and there is no dispute as regards to the selection

procedure.

4. Mr. Bhavake, learned counsel would submit about common feature in all the cases that all these appointments were made pursuant to the vacancies created by the superannuation of the earlier employees who were working as “Peon” in the respective schools. Mr. Bhavake, learned counsel for the petitioner, for the sake of convenience placed on record a chart showing details of each petitioner / employee, which reads thus :-

Writ Petition No.	Name of the Petitioner No.3	Post	Reason of vaccancy	Date of Appoint- ment	Date of Submission of Proposal	Date of Impugned Order
4976/2023	Chidanand Malkari Chougule	Peon	Due to retirement of Y.N. Babar on 31.05.2010	01.07.2010	21.09.2022	07.10.2022
5026/2023	Prashant Siddanna Biradar	Peon	Due to retirement of S.L. Kamble on 30.06.2014	01.07.2014	22.09.2022	14.10.2022
5146/2023	Krishna Balu Shelake	Peon	Due to retirement of B.P. Shinde on 31.05.2019	01.07.2019	29.09.2022	14.10.2022
4988/2023	Sunil G. Birajdar	Peon	Due to retirement of S.M. Basaragi on 29.02.2012	02.07.2012	21.09.2022	14.10.2022
5073/2023	Sanagappa Dayanand Keshagond	Peon	Due to retirement of S.S. Katte on 31.01.2012	02.07.2012	21.09.2022	07.10.2022
5075/2023	Bhimaraya S. Basargaon	Peon	Due to retirement of S.M. Basaragi on 01.07.2008	01.04.2009	29.09.2022	14.10.2022

5089/2023	Samadhan Pralhad Ghumbare	Peon	Due to retirement of C.R. Hiremath on 30.06.2016	01.08.2016	30.09.2022	15.11.2022
5099/2023	Hasimpper Adam Guddapure	Peon	Due to retirement of Smt. N.K. Shelake on 28.02.2009	01.04.2009	29.09.2022	14.10.2022
5101/2023	Vaibhav Channayya Mathpati	Peon	Due to retirement of S.B. Hugar on 30.04.2016	01.11.2017	23.09.2022	14.10.2022
2889/2024	Shankar Shrishail Matti	Peon	Due to retirement of V.J. Kavtalkar on 31.12.2013	01.02.2014	21.09.2022	14.10.2022

5. Mr. Bhavake, learned counsel for the petitioners would submit that the proposals were submitted by the petitioners – School Management to the respondent No.5 – Education Officer seeking approval to the appointments of the Peons, which however came to be turned down by the Education Officer solely citing a ground that approvals are filed belatedly.

6. The maximum delay in lodging the approval proposal is in respect of an appointment made on 1st April 2009. As such, the appointments are ranging from 1st April 2009 to lastly by 1st July 2019. The proposals were submitted between 21st September 2022 to 30th September 2022.

7. The proposals are rejected by the Education Officer vide separate

orders dated 7th October 2022 to 14th October 2022. The objections raised by the Education Officer in these matters is as observed (supra) are as to the delay in filing the proposals as also referring to the Government Resolution, dated 12th February 2015 whereby ban was imposed by the Government on the recruitment in the private schools.

8. Mr. Bhavake, learned counsel for the petitioners would submit that in view of the order passed by this Court on 19th November 2025 by the Circuit Bench at Kolhapur in Writ Petition No. 8710 of 2024, the ban would not be applicable to the affairs of the Minority Institutions. As such, Mr. Bhavake would submit that legal position is that the ban will not be applicable to the present appointments in all the Writ Petitions.

9. Mr. Mali, learned AGP would fairly agree with this legal submission. He also does not dispute that the status of the petitioners - School Management that they are Minority Institutions and their status as minority institutions today holds the field.

10. Its now well settled that the ban imposed by the Government Resolution of 12-02-2015 is not applicable to the Minority Institutions. Hence the objection by the Education Officer as regards to rider of the

Government Resolution dated 12-02-2015 shall not come in the way of the Petitioners.

11. So far as the delay in lodging the approval proposal is concerned, this Court has already held that the mere delay shall not be fatal to the approval proposal unless a case is made out of fraud, misrepresentation of facts, or manipulation of record in making the subject-matter appointments. The ld. Assistant Government Pleader submits that no such case of fraud, misrepresentation of facts, manipulation of record is seen in the subject-matter appointments.

12. However where such delay has occurred, the salary grants, in our view shall not be payable from the date of the appointment. It shall be payable from the date of filing the proposals. Knowing this view taken by this Court in a number of matters, Mr. Bhavake made statement on 05-12-2025 in Writ Petition no. 4976 of 2023 to the effect that the Petitioners shall not claim salary grants from the date of the subject-matter appointments. He also submitted that the salary grants could be payable from the date of submission of the proposals.

13. Today, Mr. Bhavake, adheres to the statement made on that date and submits that in all these petitions, the petitioners shall not claim any

monetary benefits including the salary grant arrears etc. till the date of submission of the proposals.

14. In view of above, we deem it appropriate to allow the Writ Petitions by giving certain directions.

ORDER

(i) The Writ Petitions stand allowed. The rejection orders passed by the Education Officer in respective matters, stand set aside.

(ii) The Education Officer shall grant approval to the petitioner employees' appointments in all the petitions.

(iii) The salary grant to the said petitioner employees would be payable only from the date of submission of the proposal as mentioned in the aforesaid chart.

15. The Writ Petitions stand disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]