

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

WRIT PETITION NO.6733 OF 2024

Bharatkumar Shivaji Jadhav
Age: 41 years, Occu.: Service,
R/o. Vadange, Taluka Karveer,
District Kolhapur.

.. Petitioner

Versus

1. State of Maharashtra
Through Department of Education
having office at Mantralaya,
Mumbai.
2. Education Officer (Secondary)
Zilla Parishad, Kolhapur.
3. The Private Education Society,
Kolhapur, Office Address : 2560,
B-Ward Khasbag, Kolhapur
Through its President/Secretary
4. Private High School, Kolhapur,
Office Address-2560, B-ward
Khasbag, Kolhapur,
Through its Head Master.
5. Deputy Director of Education
Kolhapur Division, Kolhapur.

.. Respondents

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Mr. Chetan Patil, Advocate a/w Mr. Prathamesh P. Magadum h/f Mr. Mandar G.
Bagkar, Advocate for the petitioner.
Mr. S. B. Kalel, AGP for respondent Nos.1, 2 and 5/State.

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**CORAM : SMT. VIBHA KANKANWADI &
NANDESH S. DESHPANDE, JJ.**

DATE : 08 JUNE 2026

ORDER :

. Present petition has been filed for following relief :-

“A) That this Hon’ble Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, in the nature of writ, thereby directing the respondents to take necessary steps for releasing grant in aid so as to pay salary as per regular pay scale to the petitioner as applicable to the post of Part Time Assistant Teacher for the Academic Year 2018-201- and also take necessary steps for the release of grant in aid for the payment of salary as per regular pay scale as applicable to the post of Full Time Assistant Teacher for the period from 15th June 2019 to 30th November 2021 with all consequential benefits.”

2. The petitioner has come with the case that he came to be appointed on the post of Shikshan Sevak with effect from 01.10.2011 in respondent No.4/School run by respondent No.3/Trust. According to the petitioner, he is working uninterruptedly in the said school. The staffing pattern was delayed for the academic year 2011-2012 by respondent No.2 and the approval was not granted, however, from the academic year 2012-2013 onwards till the academic year 2015-2016, respondent No.2 has approved the appointment of the petitioner. After the completion of stipulated period as a part time Assistant Teacher in respondent No.4/School, respondent No.2 has granted the approval to the appointment of petitioner as a part time Assistant Teacher for the

academic year 2016-2017 and 2017-2018. Further, the petitioner contends that in the academic year 2013-2014, new posts were created in respondent No.4/School and therefore, there was vacancy. The petitioner was entitled to be appointed as full time Shikshan Sevak. Therefore, he preferred an application before respondent No.3 on 12.12.2014. The proposal was then submitted by respondent No.4 to respondent No.2 in the month of July, 2015 seeking appointment of the petitioner as full time Shikshan Sevak. Copy of the proposal was not given to the petitioner and therefore, he had preferred an application under Right to Information Act, 2005. After much persuasion, respondent No.2 had then addressed a letter dated 18.01.2019 to the petitioner categorically mentioning that the proposal seeking approval to the appointment of petitioner has been submitted, however, no action was taken. The petitioner had then approached this Court by filing Writ Petition bearing No.5331 of 2019 seeking directions to respondent Nos.3 and 4 to appoint him as full time Shikshan Sevak. By order dated 07.10.2021, the said writ petition came to be allowed. This Court had directed respondent No.2 to consider the proposals made by the respondent Management within a period of eight weeks and communicate the order to the petitioner within a period of one week thereafter. Consequential prayer regarding entering the name of the petitioner in Shalarth System was also granted. Thereafter,

respondent No.2 vide order dated 06.12.2021 granted approval to the appointment of the petitioner on the post of full time Assistant Teacher with effect from 15.06.2019. The name of the petitioner has been entered in the Shalarth System, however, according to the petitioner, the entire salary has not been paid with effect from the said date, but it has been paid after 30.11.2021. Hence, this petition.

3. Heard learned Advocate Mr. Chetan Patil holding for learned Advocate Mr. Mandar G. Bagkar for the petitioner and learned AGP Mr. S. B. Kalel for respondent Nos.1, 2 and 5/State. There is no necessity to issue notice to respondent Nos.3 and 4 at this stage. In order to cut short, it can be stated that both the sides have made submissions in support of their respective contentions.

4. Here, it is to be noted that by order dated 06.12.2021, respondent No.2 the Education Officer has granted approval to the appointment of the petitioner as full time Assistant Teacher with effect from 15.06.2019. When the petitioner had not got the salary, he has made several representations. We are more concerned with the representations those came to be filed after the order dated 06.12.2021. It appears that the representations dated 30.05.2022 and 24.03.2023 were made to respondent No.2 and it appears that those representations have not been

redressed by respondent No.2. We may observe that if respondent No.2 has approved the services of the petitioner as full time Assistant Teacher from a particular date, then it should be the endeavour of respondent No.2 to see that the petitioner receives the salary from the date of the approval to his appointment. It appears that the salary bills were submitted, but they were not honoured. Under such circumstance, we dispose of the writ petition by directing respondent No.2 to decide and take action on the representations dated 30.05.2022 and 24.03.2023 within a period of four weeks from today.

5. If the salary bills are required to be resubmitted, then respondent No.2 should direct respondent Nos.3 and 4 to resubmit those salary bills within a period of 15 days from today and after those salary bills are resubmitted, then clear the arrears within the aforesaid period of four weeks.

6. With these directions, the writ petition stands disposed of.

[NANDESH S. DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm