

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16507 OF 2024

Kasari Shikshan Prasarak Mandal And Ors.

...Petitioners

Versus

The State Of Maharashtra Through The
Secretary And Ors.

...Respondents

.....

Adv. Prashant Bhavake, for Petitioners.

Ms. Tejas Jayprakash Kapre, learned AGP for the Respondent-State.

.....

**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 30th MARCH, 2026.

P.C. :

1. Heard.
2. The petitioners herein raised the grievance that, though the Education Officer has granted petitioner No.3 approval from the date of appointment with effect from 9th July 2012, the Deputy Director, by the impugned order dated 26th February 2024, without disclosing any reason, has held that petitioner No.3 will be entitled to salary from 1st June 2017. Hence, the petitioners approached this Court by invoking its extraordinary jurisdiction.
3. In the present matter, it is admitted fact that the petitioner No.3

was appointed by the Management vide appointment order dated 9th July 2012 as a 'Shikshan Sevak'. After his appointment as a 'Shikshan Sevak', the proposal was forwarded to the Education Officer. The Education Officer by his order dated 15th January 2024 has granted approval as a 'Shikshan Sevak' for the period from 9th July 2012 to 8th July 2015.

4. The Petitioner No.3 has completed his probation period with a satisfactory service record. As such, the Management has confirmed his services and thereafter forwarded a further proposal for approval. The Education Officer, by his further order dated 31st January 2024, has granted approval on the regular pay scale with effect from 9th July 2015.

5. The mechanism of Shalarth Pranali has been introduced by the State Government for transparency and accountability in the disbursement of salary to staff working in aided institution. While the objective of the system is laudable, the authorities entrusted with the administration of the system to ensure that it functions efficiently and does not become an instrument of harassment.

6. In the light of this policy, the proposal of the petitioner No.3 was forwarded to the Deputy Director of Education for getting Shalarth Identity for disbursement of salary. The Deputy Director of Education, by the impugned order dated 26th February 2024, without disclosing

any reason, directed that the petitioner No.3 will be entitled for the regular salary from 1st June 2017.

7. It is pertinent to note that, under the scheme of the Shalarth Pranali, the Deputy Director of Education is not supposed to re-verify the record. He is required only to verify whether the proposal forwarded by the Education Officer for including the name of the 'Shikshan Sevak' in the Shalarth Identity is proper or not. However, in the present case, the Deputy Director of Education has exceeded his jurisdiction and passed the impugned order.

8. It will be relevant to refer to the judgment of this Court in the case of ***Amol Baban Sangar Vs. The State of Maharashtra & Ors.*** in Writ Petition No.8966 of 2021, wherein this Court has made it clear to the Educational Authority that the Shalarth Pranali was brought into force as per the Government Resolution dated 7th November 2012, with the object to streamline the system of payment of salary to school employees and to bring complete uniformity and transparency in the payment of salaries by all schools. However, this purpose now seems to be frustrated, as the Deputy Director of Education is acting contrary to the said Government policy. It would be relevant to refer to paragraph No.8 of the said judgment, wherein a specific direction has been given to the Deputy Director of Education by this Court, which reads thus:

"Before parting with the judgment, we must place on record our displeasure to the way such an issue of inclusion of name of

the school employees in Shalarth system is being dealt with by the Officers of Education Department of the State of Maharashtra. It must be borne in mind by all the concerned officers that the Shalarth system was brought into vogue as per the Government Resolution dated 7/11/2012 and the only object of the Government Resolution was to streamline the system of payment of salary to the school employees and to bring complete uniformity and transparency in payment of salary by all schools. There is no other purpose which is sought to be achieved by Shalarth system of computerized payment of salary. Nowhere in the Government Resolution is there any clause which requires the Deputy Director, Education, for that matter any other Officer of the State, to reconsider the issue of grant of approval, nor does the Government Resolution vests any Officer with any authority to review the order of grant of approval to the appointment of any school employee by the Education Officer and then decide about inclusion or otherwise of the name of such school employee in the Shalarth system. Besides, the power of review of any administrative order, if at all it exists, must be expressly created in the applicable statute because it has the potential of taking away a right vested in a school employee. In such a case, the power of review cannot be conferred by any Government Resolution which is in the nature of executive instruction. Of course, here the Government Resolution in question dated 7/11/2012 does not create any such power of review in the Deputy Director, Education and therefore, the Deputy Director, Education in any case, cannot examine the legality or otherwise of the approval granted to the appointment of any school employee, on the pretext of deciding the question of inclusion of name of the employee in Shalarth system. Proper course for him is to confine himself to parameters of the said Government Resolution and satisfy himself as to whether or not the employee fulfills the conditions of the Government Resolution. If he sees that the employees fulfill the conditions, he must direct inclusion of name of such employee in the system. If he feels that employee does not fulfill them, he may reject the proposal. His rejection, if it is there, however, cannot be for any consideration other than the consideration arising from the conditions stipulated in the Government Resolution dated 7/11/2012.”

9. In light of the above factual position and the law laid down by this Court, we are of considered opinion that the order of the Deputy Director of Education, directing that petitioner No.3 would be entitled to regular salary from 1st June 2017, particularly when the services of petitioner No.3 has already been duly approved by the Education

Officer from the date of appointment, i.e. 9th July 2012, is unsustainable. The said observation of the Deputy Director is therefore quashed and set aside.

10. Hence, for the reasons stated in the petition, we pass the following order :

::ORDER::

- a.** The Writ Petition stands allowed.
- b.** The impugned order of the Deputy Director of Education dated 26th February 2024 to the extend of directing that the petitioner No.3 would be entitled to salary from 1st June 2017, is hereby quashed and set aside. The rest of the order is confirmed.
- c.** It is made clear that the petitioner No.3 would be entitled to salary from the date of his appointment and as per approval of the Education Officer dated 15th January 2024 and 31st January 2024.
- d.** The concerned respondents shall ensure that the arrears of the petitioner No.3 be released within a period of three months from the date of production of this order.
- e.** No order as to cost.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]