

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

WRIT PETITION NO. 133 OF 2026

Padmashri Pandit Sumatibai Vidyapeeth

Shravika Sansthangar

Turst Thr Sec And Others

...Petitioners

Versus

The State Of

Maharashtra And Others

...Respondents

Mr. Wasim Samlewale i/b. Mr. Akil Kupade, Advocate for petitioners.

Ms. T. J. Kapre, AGP for respondents-State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : March 16, 2026.

P. C. :

1. In the present case, the Petitioners have approached this Court seeking directions against Respondent No.2 to include the name of Petitioner No.3 in the Shalarth Pay System and consequently grant Shalarth ID to Petitioner No.3.

2. In the present case, it is an admitted fact that Petitioner No.3 was appointed by following the procedure as contemplated under the provisions of law and the Management has issued the appointment order

dated 6th February 2023.

3. After the appointment of Petitioner No.3, his proposal was forwarded for approval as a full-time 'Librarian' to the Education Officer. The Education Officer, by order dated 12th May 2025, has granted approval to him as a 'Shikshan Sevak' (Librarian). After the said approval was granted by the Education Officer, the Superintendent of Pay Unit forwarded the proposal of Petitioner No.3 to the Education Officer to include his name in the Shalarth Pranali on 16th May 2025.

4. In turn, pursuant to the communication of the Superintendent of Pay Unit, the Education Officer forwarded the proposal of the Petitioner to the Deputy Director of Education, Pune Division, Pune on 11th June 2025.

5. It is the grievance of Petitioner No.3 that though the proposal is pending on the file of the Deputy Director of Education since 11th June 2025, no decision has been taken on the said proposal. As a result, Petitioner No.3 is not receiving any salary or other service benefits.

6. Petitioner No.3 has relied upon the order passed by this Court in Writ Petition No.1060 of 2026 dated 10th March 2026, the paragraph No.4 of the said order reads thus:

*4. "7.15 From the discussion above and for the reasons recorded, we hold that,
(i) The ban on appointments imposed vide G.R. dated 04/05-05-2020 could not prevent the present school management i.e.*

Minority Educational Institutions from appointing the Petitioner No.1.

(ii) Once approval is granted by the Education Officer (Secondary), Zilla Parishad, the Deputy Director of Education neither can refuse nor can merely sit over the proposal to include the name of the concerned employee in the Shalarth System. Rather the Deputy Director of Education is under mandate to issue Shalarth Identity to such employee and to include such employee's name in the Shalarth system. Needless to mention, this being in the nature of an administrative job, the Deputy Director of Education must immediately complete the said exercise of granting Shalarth Identity to the concerned employee. Refusal or inaction, as the case may be, on the part of the Deputy Director of Education not only results into deprivation of concerned employee's legitimate right of salary/honorarium, but also causes unnecessary court litigation.

(iii) Deputy Director of Education doesn't sit in appeal over the approval granted by the Education Officer (Secondary), Zilla Parishad while granting Shalarth Identity under GR dated 07-11-2012 r/w GR dated 20-03-2019. However, it's not that the approvals granted by the Education Officers (Secondary), Zilla Parishads cannot be subjected to review at all. Review of an approval is permissible within the four corners of law, the procedure contemplated, and in the peculiar facts of the cases e.g. if the approval was obtained by fraud or misrepresentation etc."

7. In the circumstances, in our opinion, as the Education Officer has already granted approval to the appointment of the petitioner no.3 and the Superintendent of Pay Unit has also verified his proposal, the Deputy Director of Education should have considered the proposal at the earliest. Almost 10 months has been elapsed but no steps are taken by the Deputy Director of Education on the pending proposal dated 11th June 2025. Hence, we proceeded to pass the following order :-

ORDER

- a. The Writ Petition is allowed;
- b. The respondent No.2 - Deputy Director of Education, Pune is

directed to consider the proposal dated 11th June 2025, forwarded by the Education Officer within a period of two weeks from the date of production of this order before him and if there is no fraud or any other impediment, include the name of the petitioner No.3 in the Shalarth System and grant Shalarth Identity to the petitioner No.3 within a period of two weeks thereafter.

c. In case the Deputy Director of Education, Pune, included the name of the petitioner No.3 in the Shalarth System and provided Shalarth Identity to the petitioner No.3, the Education Officer shall release the back salary of the petitioner No.3 as expeditiously as possible and in any case within a period of three months.

8. With these directions, Writ Petition stands disposed of with no order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]