

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

WRIT PETITION NO. 444 OF 2026

Shrikant Pandurang Hakke

.. Petitioner

..Versus..

Deputy Director of Education, Pune and others.

.. Respondents

None for the petitioner

Shri V.M. Mali, AGP for Respondent/State

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

DATE : APRIL 09, 2026.

ORAL JUDGMENT (PER: Pravin S. Patil, J)

1. Heard.
2. None present for the petitioner. However, with the assistance of learned AGP, we have perused the entire record and found that matter can be disposed of finally in absence of the petitioner.
3. In the present petition, admittedly the Education Officer (Secondary), Zilla Parishad, Solapur, by his order dated 15/12/2023, has granted approval to the appointment of the petitioner w.e.f. 01/03/2012 against the post of 'Peon'.
4. The Education Officer, thereafter, on 05/01/2024, has

forwarded the proposal to the Deputy Director of Education, Pune, to include the name of petitioner in the Shalarth Pranali.

5. The Deputy Director of Education by his communication dated 15/10/2024 while considering the proposal of inclusion of name of petitioner in the Shalarth Pranali, has pointed out certain deficiencies in the matter and also relied upon certain Government Resolution stating that, as there was a ban of the State Government for recruitment, the appointment of the petitioner seems to be illegal and therefore, ask the report from the Education Officer on that deficiencies.

6. On perusal of the record, it is further seen that Headmaster of the School by his communication dated 30/10/2024 has removed that deficiencies and clarified as to how the appointment of the petitioner was legal.

7. In the background of the above said factual position, it was expected from either Education Officer or Deputy Director of Education to at least communicate as to whether explanation submitted by Head Master of School is acceptable or not. But record shows that, there is no further communication, either from Education Officer nor from Deputy Director of Education to Management nor Petitioner.

8. In this background, petitioner approached before this Court with a prayer to direct the respondent No.1 to consider the proposal dated

30/10/2024 for inclusion of his name in the Shalarth Pranali and accordingly, grant him the Shalarth Id for releasing his monetary benefits.

9. Learned AGP has strongly opposed the petition. According to him, if the initial appointment is during the period ban imposed by the State Government, the Education Officer should not have granted approval to the appointment of petitioner, therefore, the decision communicated by the Deputy Director of Education, Pune dated 15/10/2024, is legal and valid in the matter.

10. In the light of submission of both the parties, it will be relevant to rely upon the judgment passed in ***Writ Petition No.8966 of 2021 (Amol Baban Sangar Vs State of Maharashtra and others)*** decided on 21/02/2022, wherein the Co-ordinate Bench observed in paragraph Nos. 8 to 12, which is reproduced as under :-

8. 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 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. Unfortunately, the Government Resolution dated 7/11/2012 is not being followed in its letter and spirit and time and again, this Court is coming across several Writ Petitions raising a common grievance that the Deputy Director, Education has refused to include name of a school employee or a teacher on a consideration extraneous to the Government Resolution dated 7/11/2012. Undoubtedly, the ground of irregular grant of approval to the appointment of

any school employee by the Education Officer, which is taken by the Education Officer for refusing to include the name of such employee in Shalarth system is something which is completely alien to the Government Resolution dated 7/11/2012 and it could never be taken recourse to by the Deputy Director, Education for recording his refusal in such a matter.

10. We therefore request Respondent No.1 to issue necessary instructions to all the Authorities regarding strict adherence to the Government Resolution dated 7/11/2012 and to not travel beyond the parameters set out in the Government Resolution dated 7/11/2012 while considering the matters pertaining to grant of approval for inclusion of names of the school employees in the Shalarth system.

11. We also request Respondent No.1 to bring to the notice of all the concerned Authorities the observations made herein above so that time of school employees, school management and officers of the Government would not be unnecessarily wasted in litigation, which otherwise is avoidable.

12. Compliance with the above directions be made by Respondents within 4 weeks from the date of receipt of the order.

11. It is further pertinent to note that in catena of judgment this Court took the consistent view that once the approval has been granted by the Education Officer and same is intact, then unless that approval is set aside by Competent Court of law or by any authority, employee cannot be deprived from the benefit of inclusion of his name in Shalarth Pranali. It is also clarified in the various judgments that the Scheme of Shalarth Pranali is only for the purpose of inclusion of the employee to disburse his salary and therefore, the Deputy Director of Education cannot invoke the powers

of review to reconsider the proposal which is granted by the Education Officer.

12. In the light of legal position, we find that Deputy Director of Education ought to have include the name of petitioner in the Shalarth Pranali, and direct to grant him the Shalarth Id to release his salary. Accordingly, we pass the following order:

ORDER

- A] The writ petition is **allowed**.
- B] The Deputy Director of Education is directed to include the name of petitioner in the Shalarth Pranali within a period of 15 days from the date of production of this order and accordingly, issue Shalarth Identity to the petitioner for the purpose of releasing of his monetary benefits .
- C] The above exercise be completed within a period of three months from the date of production of this order.

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

(PRAVIN S. PATIL, J.)

(MADHAV J. JAMDAR, J.)