

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

WRIT PETITION NO. 116 OF 2026

Shri. Ritesh Satyawar Rawool

.. Petitioner

..Versus..

The State of Maharashtra, thr.
The Secretary, School Education
and Sports Dept. Mantralaya
Mumbai.32 and others.

.. Respondents

**WITH
WRIT PETITION NO. 117 OF 2026**

Shri. Rohit Krishnat Karande

.. Petitioner

..Versus..

The State of Maharashtra, thr.
The Secretary, School Education
and Sports Dept. Mantralaya
Mumbai.32 and others.

.. Respondents

WRIT PETITION NO. 101 OF 2026

Smt. Sneha Ashok Kshirsagar and others.

.. Petitioners

..Versus..

The State of Maharashtra, thr.
The Secretary, School Education
and Sports Dept. Mantralaya
Mumbai.32 and others.

.. Respondents

WRIT PETITION NO. 1350 OF 2026

Shri. Shamkant Jayvant Sawant and others.

.. Petitioners

..Versus..

The State of Maharashtra, thr.
The Secretary, School Education
and Sports Dept. Mantralaya
Mumbai.32 and others.

.. Respondents

Shri Prashant Bhavake, for Petitioner in all petitions.
Shri S.B. Kalel, AGP for Respondent/State [W.P. No. 116/26]
Shri V.M. Mali, AGP for Respondent/State [W.P. No.1350/26]
Shri S.D.Rayrikar, AGP Respondent/State [W.P. No.101/26]

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

DATE : APRIL 09, 2026.

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

1. Heard.
2. All these matters are taken together with the consent of parties, as the issue involved in all these petitions is identical.
3. The petitioners approached before this Court with a limited grievance, by pointing out that though the Education Officer has granted approval to their appointment by following due procedure of law and forwarded the proposals to the Deputy Director of Education, the Deputy Director of Education without any bonafide reason for a considerable period did not take any decision and therefore, seeks directions to the Deputy Director of Education to decide the pending proposals within a time bound period.
4. We have perused the records of all these petitions.

5. On perusal of the record, it is seen that the petitioners were appointed by the respective managements, and after their appointments, the individual proposal was forwarded to the Education Officer for grant of approval. The Education Officer, by exercising his powers and after verification of records as well as qualifications of the petitioners, granted approval to their appointments.

6. It is undisputed fact that the said orders of approvals till date are intact. As a result, the petitioners are presently working in their respective schools on their respective posts. However, due to non-inclusion of their names in the Shalarth Pranali, they are deprived from monetary benefits.

7. It would be relevant to refer the judgment of this Court in ***Writ Petition No.8966 of 2021 (Amol Baban Sangar Vs State of Maharashtra and others) decided on 21/02/2022***, wherein the following observations are recorded:-

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.

7. In the light of this legal position, we are of the considered opinion that in the present matter, the Deputy Director of Education, without any bonafide reason, kept the proposals pending. As a result, the petitioners, whose services are duly approved are not getting the monetary benefits for no reason.

8. Hence, considering the reasons recorded in the Writ Petition No. 8966 of 2021 decided on 21/02/2022, all these writ petitions are allowed by passing the following order:-

ORDER

A] The writ petitions are **allowed**.

B] The concerned Deputy Director of Education, Kolhapur/ Pune, is hereby directed to decide the pending proposals of the petitioners within a period of 30 days and thereby include the name of petitioners in the Shalarth Pranali, and generate the Shalarth ID in their favour.

C] Petitioners are held entitle for all consequential benefits of service after issuance of Shalarth ID in their favour.

With these directions, the writ petitions stand **disposed of**.

(PRAVIN S. PATIL, J.)

(MADHAV J. JAMDAR, J.)

RKN