

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.59 OF 2026

Namdevrao Mohol Vidya Va Krida ...Petitioners
Pratisthan and another
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Shrishail Sakhare, Advocate for Petitioners
Mr. O.A. Chandurkar, Additional GP a/w Ms. D.S. Deshmukh, AGP
for Respondent-State.

CORAM : RAVINDRA V. GHUGE &
HITEN S. VENEGAVKAR JJ.
DATE : 15th APRIL, 2026.

P.C.:

1. In this matter, Petitioner No.1 is the school/management, and Petitioner No.2 is an employee working in the school managed by Petitioner No. 1.

2. Petitioner No. 2 is aggrieved that his transfer from the un-aided establishment to the 100% aided establishment under Rule 41 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, has not been accorded approval by the competent authority only for the reason that he was granted individual approval to his appointment on un-aided establishment, in the "Individual Approval Camp". Such camps were routinely held by the Education Department.

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3. While considering the proposal forwarded by the management for approval to the transfer from the un-aided establishment to the 100% aided establishment, the concerned authority has to verify as to whether the Petitioner, in the first place, has received an approval to his appointment on un-aided establishment. If the approval is not in existence, then it would tantamount to an unauthorized appointment.

4. In this case, though the photostat copy of such approval is placed on record, the authorities who have maintained the inward and outward registers, do not find that such approval order was released after being recorded in the outward register. In short, the transmission of this approval, which should find a mention in the outward register, is not found. The outward number on the approval order does not match with the entries made in the outward register.

5. This is a peculiar situation. On the one hand, the Petitioner Employee has an approval order to his appointment made on the un-aided establishment. On the other hand, the competent authority is unable to trace out from the records pertaining to the

issuance of such an approval order and the transmission to the management, which has to be mentioned in the outward register.

6. The Division Bench of this Court at the Aurangabad Bench has delivered a judgment in the case of ***Pramod Prabhakar Pokale v/s. State of Maharashtra and Others***¹ concluding that once an approval is legally granted to the appointment of an employee, while entertaining a proposal, for e.g., for transfer to the aided establishment or for any other reason including the reason for grant of Shalarth ID, the approval can not be cancelled. It is only when the department notices a glaring fraud in the authenticity of such approval order or misrepresentation, that a particular procedure can be followed to deal with the situation.

7. In view of the peculiar facts and circumstances discussed above, we find that it would be appropriate to direct the authority dealing with the proposal forwarded by the management with regard to this Petitioner, to verify the approval granted to this Petitioner. The Education Officer, who has signed the order issuing approval in the Camps held by the department, shall also be called

¹ AIR OnLine 2019 Bom 30

upon to make a statement as regards his signature on the approval order. It would be in the interest of justice that the management as well as the concerned employee is given an opportunity of personal hearing in order to find out whether the authenticity of the approval order could be questioned.

8. After completing such exercise, if the approval is found to be in order, the competent authority can accord its sanction to the proposal forwarded by the management seeking transfer of this Petitioner from the un-aided establishment to the partially aided establishment. If the approval order is found to be fictitious, a reasoned order be passed in order to enable the aggrieved party to assail the said adverse order. Let this exercise be completed within a period of 120 days from today. Needless to state, if the Petitioner succeeds in getting the sanction to his transfer, he would be entitled for all monetary benefits from the date of tendering of the proposal by the management.

9. With the above directions, **this Petition is disposed off.**

[HITEN S. VENEGAVKAR, J]

[RAVINDRA V. GHUGE, J.]