

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13331 OF 2025**

Gawali Mohini Popat ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr. Kisan D. Dhamale for Petitioner.
Mr. P.P. Kakade, Additional GP a/w Mrs. Nisha Mehra for
Respondent No.1- State.

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

P.C.:

1. The Petitioner is aggrieved that her transfer from the un-aided establishment to the 100% aided division, 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 this Petitioner was granted individual approval to her appointment on un-aided establishment, in the “Individual Approval Camp”. Such camps were routinely held by the Education Department.

2. While considering the proposals forwarded by the management for approval to the transfers from un-aided

establishments to the 100% aided divisions, the concerned authority has to verify as to whether the Petitioner, in the first place, has received an approval to her appointment on un-aided establishment. If the approval is not in existence, then it would tantamount to an unauthorised appointment.

3. 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 entry made in the outward register.

4. This is a peculiar situation. On the one hand, the Petitioner has an approval order to her appointment made on the un-aided division. On the other hand, the competent authority is unable to trace out the records pertaining to the issuance of such approval order and the transmission to the management, which has to be mentioned in the outward register.

5. The Division Bench of this Court at Aurangabad, has delivered a judgment in the case of *Pramod Prabhakar Pokale Vs. 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 reasons including the reason for grant of Shalarth ID, the approval can not be cancelled. It is only when the department notices a glaring fraud, that a particular procedure can be followed to deal with the situation.

6. 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 her. The Education Officer, who has signed the order issuing approval in the Camp held by the department, shall also be called 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

¹ AIR OnLine 2019 Bom 30

order to find out whether the authenticity of approval order could be questioned.

7. After completing such exercise, if the approval is found to be in order, the competent authority can accord its sanction to the proposal dated 25th January 2025, forwarded by the management seeking transfer of this Petitioner from the un-aided establishment to the 100% aided division. 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 her transfer, she would be entitled for all monetary benefits from the date of tendering of the proposal by the management.

8. Learned Advocate for the Petitioner submits on instructions that the Petitioner has passed the Maharashtra State Teachers Eligibility Test for standard 6th to 8th as per the interim result sheet dated 16th January 2026. The authorities would consider whether the Petitioner's name appears in the final results published on 3rd February, 2026.

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

[HITEN S. VENEGAVKAR, J] [RAVINDRA V. GHUGE, J.]