

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

VINA
ARVIND
KHADPE
Digitally
signed by
VINA
ARVIND
KHADPE
Date:
2026.02.17
12:37:03
+0530

WRIT PETITION NO. 17203 OF 2025

Bhagwan Shriram Jagtap & Anr.Petitioners

Versus

The State of Maharashtra & Anr.Respondents

**WITH
INTERIM APPLICATION NO. 1139 OF 2026
IN
WRIT PETITION NO. 17203 OF 2025**

The Education Officer (Secondary)
Zilla Parishad, NashikApplicant

IN THE MATTER BETWEEN :

Bhagwan Shriram Jagtap & Anr.Petitioners

Versus

The State of Maharashtra & Anr.Respondents

Mr. S. G. Karlekar through VC a/w. Mr. Akshay S. Karlekar a/w
Advocate V. S. Panpatte, for Petitioners.

Mr. Swaraj M. Savant, for Respondent No. 5 and 6.

Mr. P. P. Kakade, Addl. GP a/w Mr. V. G. Badgujar, AGP for the
State.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 12th FEBRUARY, 2026

P.C. :-

1. Pursuant to our order dated 28.01.2026, the learned
Registrar (Judicial - I) has tendered a report dated 06.02.2026,

which was in a sealed envelope. We have opened the envelope in the Court and perused the report. We find that since the Petitioners had supplied copies of the Petition paper book for issuance of notices on 06.01.2026, the notices could not be processed before the Christmas Vacation in pursuance of this Court's order dated 18.12.2025. We have also perused the remarks of the learned Registrar (Judicial - I) on the submissions made by the Deputy Registrar and the Section Officer. The explanation is found to be convincing. The report is accepted, and the issue stands closed. The said report is taken on record and marked as 'Y' for identification.

2. On 11.02.2026, we have passed the following order :

1. A novel method has been devised by the Deputy Director of Education, Mr. Sanjaykumar Rathod, by which he has truncated our order dated 28th January, 2026. Apparently, since he did not desire to comply with our order, he has adopted a novel method of freezing the Shalarth ID so that the amount need not be paid.
2. Permission of the Court was not obtained to freeze the account because the future bills for the duty performed by the employees will also have to be paid for.
3. We direct the Deputy Director of Education, Mr. Sanjaykumar Rathod, to remain present in the Court tomorrow, i.e., 12th February, 2026 at 11:00 a.m.

3. The learned Additional Government Pleader submits that the Deputy Director of Education, Mr. Sanjay Kumar Rathod, is present in the Court hall. He submits that an affidavit of apology will be tendered to the Court, seeking forgiveness for having passed the order freezing the Shalarth ID dated 10.02.2026. He further submits that the said order is being recalled, and a fresh order recalling the order dated 10.02.2026, will be passed tomorrow.

4. We have no doubt in our mind that the order dated 10.02.2026, passed by the Deputy Director of Education, was unconscionable and cannot be countenanced. Apparently, the said order has obstructed the operation of this Court's order dated 28.01.2026 and bears the trappings of creating an impediment in the path of the justice dispensation system. For such a brazen act, we could have initiated strict action against Mr. Sanjay Kumar Rathod. However, this Court has always been inclined to pardon a first mistake, though in this case, we find that it was not a mistake but a calculated move to freeze the Shalarth ID so as to prevent the payment of salaries to the employees. Yet, we are pardoning the said officer since he is tendering a written apology, which shall be filed

in this Court within three days. He shall pass a fresh order recalling the order dated 10.02.2026. We further direct the Director of Education to record this order, along with these observations, in the service book of the said officer.

5. We are informed that an SIT has been constituted to investigate complaints regarding irregularities in appointments in private schools and establishments, all over the State of Maharashtra. The learned Advocate for the Petitioners has tendered a compilation (44 Pages) with an index containing not only various orders passed by the Bombay High Court, but also the Government Resolution dated 18.02.2025, mandating authorities not to act on frivolous complaints or on complaints filed by bystanders or persons unconnected with the institutions, which have triggered investigative actions and caused undue hardship to several individuals who have been unfortunate to face such complaints. This aspect was also noticed in a case pertaining to the Dr. Babasaheb Ambedkar Marathwada University.

6. We would refrain from making any observations on the SIT stated to have been constituted by the State Government. The

learned Additional Government Pleader informs us that the SIT is presently probing appointments across the State of Maharashtra. We, however, are of the view that such inquiry should not be based on complaints made by bystanders or persons unconnected with the concerned organizations or individuals who have no relevant inputs, have not collected any data or material to substantiate their allegations, and merely file complaints. One such example is the one made by '*All India Panthers Sena – Vidrohacha Visphot karnara Bandkhor*' (विद्रोहाचा विस्फोट करणारा बंडखोर), which was the subject matter of Writ Petition Nos. 4893 of 2024 and 4901 of 2024, heard by the Division Bench of this Court at the Aurangabad Bench, wherein an order was passed on 06.08.2024.

7. There are several such organizations or individuals who describe themselves as activists and lodge baseless complaints without any substantiation. What shocks the Court is that Senior Officers, such as the Education Officer or the Deputy Director of Education, despite several orders of this Court and the Government Resolution dated 18.02.2025, continue to take cognizance of such complaints and virtually initiate roving inquiries.

8. Now that the Deputy Director has undertaken to withdraw the order dated 10.02.2026 and to tender an apology affidavit, the path for clearing the employees' payments through the Shalarth ID is cleared.

9. The learned Additional Government Pleader submits that the Management is duty-bound to upload all appointment orders and approvals pertaining to the Petitioners and similarly placed employees of the same organization and its schools on the Shalarth System website. A specific communication dated 10.02.2023, issued to the concerned authorities in charge of various schools and colleges, contains such directions. A copy of the said communication is taken on record and marked as 'X-1' for identification.

10. We find from the facts of this case that the Management had published an advertisement in the 'Daily Rajrang Times'. However, the Management has faltered in not publishing the advertisement in two widely circulated newspapers, one of which was required to be in the vernacular language. *Prima facie*, no fault can be found with the appointees who applied pursuant to such

advertisement and subjected themselves to the selection process.

11. Time and again, this Court has adopted a strict stand with regard to private educational institutions that have disregarded the Pavitra Portal and made recruitments *dehors* the rules. The Pavitra Portal was introduced sometime in 2018. The present Petitioners were appointed pursuant to the advertisement published on 18.08.2016, which was prior to the introduction of the Pavitra Portal. These Petitioners have now completed almost ten years in employment.

12. We could have issued strict directions against the Management by imposing costs of Rs. 50,000/- per appointment, for having published advertisements in unknown newspapers and for giving a go-by to the rule requiring publication in widely circulated newspapers, with at least one in the vernacular language. However, we can issue a direction to the Education Department to scrutinise all appointments made by this Management after the introduction of the Pavitra Portal. If it is noticed that the Management has indulged in any irregularities by making private appointments in disregard of the Pavitra Portal or the law governing publication of

advertisements, the Education Department may impose cost of Rs. 50,000/- per appointment on the Management, to be paid from its own accounts and not to be recovered from the appointees. Needless to state, each case shall be considered on its own merits.

13. The learned Additional Government Pleader submits, on the basis of the Interim Application filed, that firstly, any payment beyond Rs. 1 crore is required to be sanctioned by the Director of Education. The Applicant - Education Officer has received an amount of Rs. 30 lakhs and odd, towards part payment of the salaries of the Petitioners. The Petitioners have been without salaries since May 2025. We, therefore, direct that proportionate disbursement from the said amount towards the outstanding salaries of the Petitioners, as well as any other employees similarly situated, but who have not approached the Court, shall be made by the said Authorities through digital payment, not in cash, within a period of fifteen days from today.

14. If, in future, it is noticed that their appointments were illegal and action is taken against them, the payment of further salaries shall depend on the action so taken on that particular day,

which shall remain subject to judicial scrutiny.

15. In so far as the remaining outstanding amounts are concerned, we direct that the Headmaster of the School shall submit proper bills to the Education Officer, for both, the arrears and the regular monthly payments.

16. The learned Additional Government Pleader has calculated the outstanding amount towards salaries at Rs. 30,00,895/- for the period from 01.09.2016 to 30.09.2024, and Rs. 1,91,68,424/- for the period from 01.09.2016 to 31.10.2024, which shall be processed after the bills are received from the Management. The Management would also supply the requisite documents. We, therefore, direct the Management to comply with these requirements without any reservation or reluctance. We make it clear that if the Management displays any reluctance in producing the original documents, the Education Department shall initiate steps for appointment of an Administrator over the Management.

17. We expect the aforesaid exercise to be completed within a period of twenty-one days from today, and thereafter, the

arrears shall be paid to the Petitioners and other similarly situated employees within a period of sixty days from today.

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

19. List this Petition for recording stage-wise compliance on **27th March 2026**. Further dates would be fixed after the compliance is recorded on the said date.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)