



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO. 1402/2025**

- 1) Jaibharat Shikshan Prasarak Mandal,  
Kelwad a Trust duly registered under the  
Maharashtra Public Trusts Act, through its  
Secretary Shri Uday Bhimrao Deshmukh,  
aged about 58 Years, Office at Kelvad,  
Tehsil Saoner, District Nagpur
- 2) Bhimrao Bapu Deshmukh Aadarsh  
Vidyalaya and Aadarsh Uccha Madhyamik  
Vidyalaya through its Headmaster Shri  
Bablu Yadavrao Kalambe aged about 50  
Years, Kelvad, Tehsil Saoner, District  
Nagpur
- 3) Mangesh Deorao Bukane, aged about 38  
years, Occu: Service, Resident of Kelvad,  
Tehsil Saoner, District Nagpur

**... PETITIONERS**

**...VERSUS...**

- 1) The State of Maharashtra, Through its  
Secretary, School Education and Sports  
Department, Mantralaya, Mumbai -  
400032.
- 2) Deputy Director of Education, Nagpur  
Division, Nagpur
- 3) Complaints Redressal Committee,  
Nagpur Division Board of the  
Maharashtra State Secondary and Higher  
Secondary Education Board through its  
President.

**...RESPONDENTS**

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Mr. Rahul S. Kalangiware, Advocate for the petitioners  
Mrs. H. S. Dhande, AGP for the respondent / State  
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**CORAM : SMT. M.S. JAWALKAR AND  
NANDESH S. DESHPANDE, JJ.**

**DATED : 04<sup>th</sup> FEBRUARY, 2026.**

**ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, J.)**

**Rule.** Rule made returnable forthwith. Heard finally with the consent of learned Counsels for the parties.

2. The present petition challenges the order/communication dated 02.12.2024, 16.01.2024 and 31.05.2024 issued by the respondent no. 2 Deputy Director of Education, Nagpur Division, Nagpur (Annexure-M). The facts as emerging from the petition are as under:-

3. On 15.02.2017, the petitioner no. 1 Society issued an advertisement for the unaided post of "Assistant Teacher" in petitioner no. 2 Higher Secondary School. The petitioner no. 2 being eligible applied for the said post and was duly appointed on 01.03.2017.

4. On 10.06.2022, the State of Maharashtra, Department of Education and Sports, issued a Government Resolution in order to revise the guidelines regarding the grant of approval to appointments and inclusion of names in the Shalarth list. Clause 1.4 of the said Resolution spells out in detail the modality for granting approvals and provides for a particular time frame for processing the said proposals for approval. As per sub-clause (I) of Clause 1.4, it was obligatory on the Education Officer to address a communication by R.P.A.D. to the various schools/managements regarding the pending cases of the proposals. However, it is the contention of the petitioners that no such communication was ever received by the management from the concerned Education Officer.

5. In the backdrop of these facts, on 13.12.2023, the petitioner No. 2-school forwarded the proposal to the respondent No. 2 for grant of approval to the appointment of petitioner No. 3 along with all necessary documents. However, the said proposal was rejected by the Deputy Director of Education on 16.01.2024 on the ground that, as per the Government Resolution dated 10.06.2022, a proposal for grant of approval is not tenable if it is received after three months. On 12.03.2024, the petitioner No. 2 pointed out to

the respondent No. 2 that the appointment of petitioner No. 3 was made upon an undertaking that he shall complete the Master of Arts Degree in English Literature within three years, and the same has accordingly been completed.

6. On 07.03.2024, in compliance with the directions of this Court from time to time and more particularly in Writ Petition No. 204 of 2019, the State of Maharashtra constituted a revised Grievance Redressal Committee for filing appeals/complaints against the orders passed by the Zonal Officers on the applications of teaching and non-teaching staff of recognized private aided/unaided/partially aided schools. On 31.05.2025, the respondent No. 2 confirmed the earlier rejection dated 16.01.2024 without even considering the reasons given by the petitioners. Thereafter, the petitioners filed an appeal before the said Grievance Redressal Committee as constituted by the Government Resolution mentioned supra. On 11.10.2024, the respondent No. 3-Committee decided the appeal by recording a conclusive finding that the proposal for approval of petitioner No. 3 has to be processed, since there was no such delay.

7. However, on 02.12.2024, the respondent No. 2, acting in derogation of the order passed by the Committee on 11.10.2024, once again rejected the proposal for grant of approval. The said communication is impugned in the present petition on the various grounds mentioned therein.

8. We have heard Mr. Rahul S. Kalangiware, learned counsel for the petitioners. At the outset, the learned counsel for the petitioners, by taking us through the record of the petition and more particularly paragraph 5 thereof, makes a categorical statement that no communication was ever received by the petitioners in compliance with Clause 1.4, sub-clause (I) of the Government Resolution dated 10.06.2022. He submits that even the said fact is not disputed or denied by the respondents in the affidavit-in-reply.

9. By taking us through the various communications and rejections from time to time, and more particularly the earlier rejection, the learned counsel for the petitioners submits that the impugned order is absolutely untenable in law and in violation of the Government Resolution dated 10.06.2022. It is the submission

of the learned counsel for the petitioners that the policy underlying the Government Resolution dated 10.06.2022 is expeditious disposal of the cases/proposals for approval by the concerned authorities in respect of employees of private schools. Thus, it is the submission of the petitioners that the action of the respondents in rejecting the proposals for the same reason by relying on sub-clause (iii) of Clause 1.4 of the Government Resolution dated 10.06.2022 is without any authority of law.

10. *Per contra*, the learned AGP, while appearing for the respondents, submits that respondent No. 2, the Deputy Director of Education, was right in placing reliance on sub-clause (iii) of Clause 1.4, as admittedly the proposal was received after the expiry of three months, as contemplated under the Government Resolution mentioned supra. She, therefore, supports the impugned order and prays for dismissal of the petition.

11. We have considered the contentions canvassed by the learned counsel for the respective parties. At the outset, a bare perusal of the Government Resolution dated 10.06.2022 indicates that the policy underlying the same is the intention of the State of

Maharashtra to ensure expeditious disposal of proposals for approval which were pending before the Education Officers for a considerable period of time. Even the Grievance Committee constituted under the orders of this Court was guided by the same bona fide motive and has recorded a conclusive finding vide its order dated 11.10.2024.

12. We have perused the said order of the Grievance Committee, and after appreciating all the facts, it has recorded a finding that the proposal for approval of petitioner No. 3 has to be considered and that the previous proposal for approval is required to be appreciated in the light of the Government Resolution dated 10.06.2022. Admittedly, the representatives of the respondent authorities were present and were heard while passing the order of the Grievance Committee. In spite of the same, the respondent No. 2 has applied the very same reasoning for rejecting the proposal and has passed the impugned order dated 02.12.2024.

13. After perusal of the impugned order, we are at pains to understand how the very same reason has weighed by respondent

No. 2 while rejecting the proposal, in view of the categorical findings of the Grievance Committee in favour of the petitioners. The reliance placed on sub-clause (iii) of Clause 1.4 of the Government Resolution dated 10.06.2022 is totally misconceived and uncalled for, since it would not lie in the mouth of the authorities, after failing to comply with sub-clause (I) of Clause 1.4, to place reliance upon sub-clause (iii) thereof. Such an approach, in our view, is totally unacceptable and cannot withstand the scrutiny of law. The reason assigned by placing reliance on sub-clause (iii) of Clause 1.4 and thereby rejecting the proposal for approval is, therefore, wholly perverse and erroneous. We, therefore, pass the following order:—

**ORDER**

- i) Writ Petition is allowed.
- ii) The impugned order dated 02.12.2024 and the earlier order dated 16.01.2024 and 31.05.2024 thereby rejecting the proposal for approval of the appointment of the petitioner no. 3 are quashed and set aside.

iii) It is hereby directed that the respondent no. 2 Deputy Director of Education, Nagpur Division, Nagpur grant approval to the appointment of the petitioner no. 3 on the post of “Assistant Teacher” in petitioner no. 2 school within four weeks from the date of the order.

iv) Rule is made absolute in above terms, Writ Petition is disposed of.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Shubham