



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3898 OF 2025

1. Seth Bansidhar Dahigaonkar High School Education Society, Telhara, through its President, Tah. Telhara, District Akola.
2. Seth Bansidhar Vidhyalaya, Telhara, through its Head Master, Tah. Telhara, District - Akola.
3. Shashikant S/o Madhukar Padwad, Aged about 34 years, Occ. Service as Junior Clerk, C/o. Seth Bansidhar Vidhyalaya, Telhara, Tah. Telhara, District Akola.
- 4) Yogesh S/o Vasantrao Ghangal, Aged about 32 years, Occ. Service as Junior Clerk, C/o. Seth Bansidhar Vidhyalaya, Telhara, Tah. Telhara, District - Akola.
- 5) Satish Shrikrushna Aghadate, Aged about 31 years, Occ. Service as Lab Assitant, C/o. Seth Bansidhar Vidhyalaya, Telhara, Tah. Telhara, District Akola.

...PETITIONERS

VERSUS

1. The Deputy Director of Education, Amravati Division, Amravati.
2. The Education Officer (Secondary), Zilla Parishad, Akola, District-Akola.

...RESPONDENTS

Shri R.D. Karode, Advocate for petitioners
Ms H.N. Jaipurkar, AGP for respondents/State

CORAM : **SMT. M.S. JAWALKAR AND**
DATE : **NANDESH S. DESHPANDE, JJ.**
25.02.2026

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, JJ.)

Heard.

2. Rule. Rule is made returnable forthwith. Heard finally with the consent of the parties.

3. The petition seeks a direction to the respondent No.2 – Education Officer (Secondary), Zilla Parishad, Akola, to grant approval to the appointment of petitioner Nos. 3 to 5 for the post of Junior Clerk and Lab Assistant, respectively, from the date of their appointment with all consequential benefits. It further prays for a direction to include their names in the ‘Shalarth Pranali’ and allot ‘Shalarth IDs’ in their names in view of the order dated 29.05.2023, passed by the respondent No.1 – Deputy Director of Education.

4. The facts which are more or less undisputed are that the petitioner No.1 – Society is a recognized minority institution and

was recognized as such vide order of the State Government passed on 19.09.2018. On 30.08.2021, since four posts were vacant, the petitioner No.1 – Society decided to apply for permission to fill up the said vacant posts. On 18.04.2022, the petitioner Nos. 1 and 2 published an advertisement and invited applications for the posts of Junior Clerk and Lab Assistant.

5. Pursuant to the said advertisement, the petitioner Nos. 3 to 5 appeared for interview and being possessing necessary qualification were appointed on the post of Junior Clerk and Lab Assistant. Thereafter, on 10.06.2022, the petitioner No.2 forwarded the proposal for the grant of approval to the appointment of petitioner Nos. 3 and 4 for the post of Junior Clerk and petitioner No.5 for the post of Lab Assistant. However the said proposals were rejected on 27.12.2022.

6. Thereafter, on 29.05.2023, on an appeal filed by the petitioner before the Committee constituted by the State Government, the respondent No.2 passed an order and directed the Education Officer to grant an approval to the said appointments of the petitioner Nos.3 to 5. On 01.10.2024 and 18.10.2024, the petitioners made representations and requested to grant approval

in view of the order dated 29.05.2023 of the Deputy Director. On 25.02.2025, the Deputy Director of Education issued a communication to the respondent No.2 to grant approval to the appointment of the petitioners. The Education Officer, thereafter vide communication dated 18.12.2024, addressed to the Director of Education, stated that the approval cannot be granted with retrospective effect. This has prompted the petitioner to file the present petition.

7. We have heard Shri R.D. Karode, learned Counsel for the petitioners, as also Ms H.N. Jaipurkar, learned Assistant Government Pleader for the respondents/State.

8. Learned Counsel for the petitioners states that in spite of a direction by the Deputy Director, the Education Officer has done nothing and erroneously addressed the communication dated 18.12.2024 stating that the approvals cannot be granted with retrospective effect. He submits that the entire approach to the Education Officer is therefore contrary to the order of the Deputy Director and the petitioners are therefore put to serious inconvenience.

9. Per contra, the learned Assistant Government Pleader, by taking us through the reply, points out the staffing pattern for the respective years and states that there was no sanctioned posts for the year 2022-23. The petitioners, having been appointed on 30.04.2022, could not have been granted approval. She therefore supports the impugned order.

10. We have perused the record of the matter and also gone through the various documents with the assistance of the learned Counsel for the respective parties.

11. Having done so, and after perusal of the letter dated 18.12.2024, the only reason given in the said letter is that the approval cannot be granted with retrospective effect. After perusal of the record, and more particularly the staffing pattern which expressly lays down a condition that no approval can be granted with retrospective effect, in our view following directions would suffice.

ORDER

i) The writ petition is disposed of with a direction to the Education Officer to hear the petitioners on a fresh representation made by them to the said respondents.

ii) A fresh representation should be made within one week and at any time till 10.03.2026. If such a representation is made within the time aforesaid, the Education Officer would decide it in accordance with law, and more particularly, looking at the staffing pattern as pointed out by the learned Assistant Government Pleader and the condition regarding the non-granting of the approval with retrospective effect. Needless to mention, if the petitioners are ready for approval from the date of appointment, the Education Officer would consider the said pattern and pass an order accordingly.

12. The writ petition is disposed of.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..