



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.5023/2025

Naresh Gangaramji Navkhare,
Aged 55 years, Occ.- Service, R/o Pimpalgaon/Sadak,
Tah Lakhani, District Bhandara. Petitioner.

Versus

- 1) The Divisional Chairman, Nagpur Divisional Education and Examination Board, Nagpur.
- 2) Deputy Director of Education, Nagpur Division, Nagpur.
- 3) Tukaram Shikshan Sanstha, Kadholi, Tah.Kurkheda, Distt-Gadchiroli, through its President.
- 4) Tukaram Uchcha Madhyamik Vidyalaya and Junior College, Kadholi, Tah.Kurkheda, Distt-Gadchiroli, through its Principal. Respondents.

Mr. P.N. Shende, Advocate for petitioner.
Mr. Anand Parchure, Advocate for resp. no.1.
Mr. B.G. Kulkarni, Advocate for resp. no.3 and 4.
Mrs. Dhande, AGP for resp. no.2.

CORAM : Smt. M.S. Jawalkar and Nandesh S. Deshpande, JJ.

DATE : 30-04-2026.

Oral Judgment (Per : Nandesh S. Deshpande, J.)

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

2. The present petition seeks to set aside the order dated 21.07.2025 passed by Respondent No. 1 and further prays for a direction to forthwith include the name of the Petitioner in the Shalarth ID Portal. The Petitioner also seeks a direction to Respondent No. 2 to immediately include the Petitioner's name in the Shalarth ID Portal and to process the Petitioner's pension case along with all other consequential pensionary benefits.

3. The facts, as culled out from the record, are as under:

On 01.09.1999, the Petitioner was appointed, following due process of law, as a Junior College Lecturer on probation, and the said appointment was approved by Respondent No. 2. However, the said approval was subsequently rectified by Respondent No. 2 pursuant to the order passed by this Court in Writ Petition No. 2875/2009 vide order dated 26.04.2010. Thereafter, on 15.02.2024, the School Authority terminated the services of the Petitioner. Aggrieved thereby, the Petitioner preferred an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The said appeal was allowed. Against the said order, both groups of the Management approached this Court by filing two writ petitions. However, Writ Petition No. 5083/2014 was dismissed, and in Writ Petition No. 5457/2014, the matter was amicably settled on 31.07.2024. In terms of the settlement, the Petitioner was granted the benefit of voluntary retirement along with continuity of service. Accordingly, the Petitioner was reinstated and opted for voluntary retirement on 31.10.2024.

4. Thereafter, on 04.04.2024, a proposal was submitted on behalf of the Petitioner to Respondent No. 2 for grant of approval and inclusion of the Petitioner's name in the Shalarth ID Portal. However, the same came to be rejected by Respondent No. 2 on the ground that the department was not a party to the settlement pursis.

5. Being aggrieved, the Petitioner preferred an appeal, wherein Respondent No. 1 set aside the said order and directed Respondent No. 2 to grant Shalarth ID. However, vide impugned

communication dated 21.07.2025, Respondent No. 1 again modified its earlier view and called for the entire record on the ground that the Petitioner was working on a contractual basis. In these circumstances, the present petition is filed seeking the reliefs as stated hereinabove.

6. We have heard learned Counsel for the petitioner as also learned AGP for the respondents.

7. The controversy involved in the present petition appears to be covered by the order passed by this Court in Writ Petition No. 920/2023 along with connected writ petitions, decided on 18.08.2025. In the said order, the Coordinate Bench of this Court, placing reliance on earlier judgments, including in Writ Petition No. 3637/2024 (Sant Sai Baba Shikshan Sanstha vs The State of Maharashtra and others), has observed in paragraphs 2 to 5 as under:

“2. In both these Petitions the orders passed by the Respondent No.2 rejecting the inclusion of the names of the Petitioners in Shalarth ID are being questioned. The rejection as is discernible from the order of the Deputy Director of Education is clause 4 of the Government Resolution dated 01.04.2021 (page 61), however, what is material to note is that the Education Officer by his order dated 21.11.2022 in Writ Petition No.3637/2024 (page 41) and 19.07.2022 in Writ Petition No.3746/2024 (page 27), has already granted approval for transfer of the Petitioners from unaided to aided section of the School run by the same Management.

3. Once the approval has been granted by the Education Officer, which is not disputed, is still in force, the Deputy Director of Education cannot refuse to include the names of the Petitioners in the Shalarth ID for the purpose of disbursing of their salary. In that view of the matter, the

impugned orders passed by the Deputy Director of Education are hereby quashed and set aside and it is directed that the names of the Petitioners be included in the Shalarth ID for the purpose of disbursal of their salary and other emoluments.

4. The Petitions are accordingly allowed in the above terms. No costs.

5. Needless to say, that this shall be the position, till such time the order of approval of transfer by the Education Officer of the Petitioners from unaided to aided shall continue to remain in force.”

8. On the touchstone of the dictum laid down by the Coordinate Bench of this Court, the impugned order cannot be sustained in law. The facts, as stated hereinabove, are more or less admitted, and therefore there was no justification for Respondent No.1 to call for the entire record to ascertain whether the Petitioner was working on a contractual basis. This approach adopted by Respondent No. 1 cannot be countenanced in view of the dictum of this Court and the admitted facts on record, particularly when the Petitioner's appointment had already been approved by the Education Department. In view of the above, the petition deserves to be allowed, and the following order is passed:

Order

(i) Order dated 21-07-2025 passed by respondent no.1 is quashed and set aside.

(ii) Respondent No. 2 is directed to include the name of the Petitioner in the Shalarth ID Portal by processing the pension case of the Petitioner and to release the pension along with all consequential pensionary benefits.

(iii) The said exercise shall be completed within a period of six weeks from today.

9. With the above directions, the writ petition stands disposed of.

10. Rule is made absolute in above terms. No costs.

(Nandesh S. Deshpande, J.)

(Smt. M.S. Jawalkar J.)