IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15115 OF 2023

Sangpal Pandharinath Bhokare ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32

2. The Director of Education (Secondary),
Maharashtra State, Pune.

3. The Deputy Director of Education,
Aurangabad Division, Aurangabad.

4. The Education Officer (Secondary),
Zilla Parishad, Beed

5. The Superintendent, Zilla Parishad,
Pay and Provident Fund Unit (Secondary),
Beed, Tq. & Dist. Beed.

6. Vaidyanath Education Society,
Parli Vaijnath Humbares
Tq. Parli Vaijnath, Dist. Beed,
through its Secretary

7. Vaidyanath Vidyalaya (Secondary),
Parli Vaijnath, Tq.: Parli Vaijnath,
Dist. Beed, through its Headmaster ... **RESPONDENTS**

...

Advocate for the Petitioner : Mr. V.S. Panpatte
AGP for Respondent Nos.1 to 5 : Mr. S.R. Wakle
Advocate for Respondent Nos.6 and 7 : Mr. R.C. Bramhankar h/f.
Mr. R.K. Kharat

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CORAM : NITIN B. SURYAWANSHI &
ABASAHEB D. SHINDE, JJ.
Reserved on : 17.06.2026
Pronounced on : 06.07.2026

JUDGMENT (PER: ABASAHEB D. SHINDE, J.) :

1. Heard. Rule. Rule made returnable forthwith. With the consent of the parties the petition is taken up for final hearing at the stage of admission.

2. By this writ petition the petitioner is seeking following main reliefs :

"B. By a writ of certiorari or any other appropriate writ or direction in like nature, the order dated 18.09.2019 passed by the Respondent No. 3 Deputy Director of Education may kindly be quashed and set aside;

C. By a writ of mandamus or any other appropriate writ or direction in like nature, the respondent no. 3 may kindly be directed to include the name of petitioner in Shalarth System forthwith and further the respondent nos. 4 and 5 may kindly be directed to release the arrears of salary of the petitioner within stipulated period of one month and further monthly salary of the petitioner regularly by on-line mode or by off-line mode if they do not include the name of petitioner in Shalarth system;"

3. It is the case of the petitioner that he possess the qualification in Bachelor of Arts, and belongs to Scheduled Caste. Respondent No.6 – Educational Society, which is running

Respondent No.7 – School, after following due procedure appointed him on the post of Peon in respondent No.7 – School, vide appointment order dated 31.03.2011. The petitioner was initially appointed for a period of three years and thereafter, pursuant to the proposal submitted by Respondent No.7 seeking approval to the appointment of the petitioner, respondent No.4 – Education Officer (Secondary), Zilla Parishad, Beed, granted approval vide order dated 26.06.2014. The petitioner came to be appointed as a permanent employee w.e.f. 01.04.2014. Respondent No.7, therefore, submitted proposal for including the name of the petitioner in Shalarth ID. Pursuant to which Respondent No.3 – the Deputy Director of Education, Aurangabad, Division Aurangabad, on 13.12.2017 recommended the proposal for inclusion of name of the petitioner in Shalarth ID to Respondent No.2 – the Director of Education (Secondary), Maharashtra State, Pune.

4. It seems that after certain deficiencies being pointed out by Respondent No.2 on 22.03.2019, Respondent No.7 removed said deficiencies by intimating respondent No.2 in that regard on 08.04.2019.

5. It is contended by petitioner that despite the deficiencies being complied with by Respondent No.7 on 08.04.2019 itself,

Respondent No.2 by an impugned order refused to include the name of the petitioner in Shalarth ID on the ground that neither Respondent No.4 nor Respondent Nos.6 and 7 have complied with the deficiencies in the proposal by which they were asked to submit the proforma/form 'A' and 'C'. The petitioner, therefore, is before this Court.

6. Learned counsel for the petitioner submits that admittedly, the petitioner is possessing requisite qualification and he has been appointed by following due procedure of law as a result of which Respondent No.4 – Education Officer has granted approval to the appointment of the petitioner on 26.06.2014. The proposal for inclusion of name of the petitioner in Shalarth ID submitted by Respondent No.7 has been recommended by Respondent No.3 – Deputy Director of Education. Even though certain deficiencies were pointed out by Respondent No.2, Respondent No.7 has removed all those deficiencies. Despite this fact Respondent No.2 by an impugned order rejected the proposal by refusing to include the name of the petitioner in Shalarth ID on flimsy ground. The second limb of argument of learned counsel for the petitioner is, once the officer from the same office has recommended the proposal of the petitioner, another officer from the same office cannot reject the

proposal. In short, the submission of learned counsel for the petitioner is that Respondent No.2 has no authority to sit over the recommendation made by Respondent No.3. He, therefore, urged that the writ petition deserves to be allowed.

7. Per contra, learned AGP would submit that while scrutinizing the proposal for inclusion of the petitioner's name in Shalarth ID, certain deficiencies were intimated to Respondent No.7 as well as the office of Respondent No.4 and they were asked to comply with the same. He would submit that even while considering the proposal for inclusion of name of an employee in Shalarth ID, the Director of Education can go into the validity of selection process of the employee. He, further, submits that Respondent No.2 has a direct supervisory authority over the teaching and non-teaching staff in the Junior Colleges and Higher Secondary Schools and, therefore, Respondent No.2 was justified in rejecting the proposal for inclusion of petitioner's name in Shalarth ID for non-compliance of certain deficiencies.

8. Having heard learned counsel for the petitioner and learned AGP for the State and after going through the record, we find that admittedly, the petitioner has been appointed way back in the year 2011 and his services were approved by Respondent No.4 –

Education Officer in the year 2014. The proposal seeking inclusion of petitioner's name in Shalarth ID has been duly recommended by Respondent No.3 – Deputy Director of Education, even though certain deficiencies were pointed out by Respondent No.2, Respondent No.7 has removed all the deficiencies on 08.04.2019. We thus find that once it is an admitted fact that the service of the petitioner has already been approved by Respondent No.4 after considering the entire material, Respondent No.2 under the garb of certain deficiencies cannot revisit the validity of approval granted by Respondent No.4 to the appointment of the petitioner while deciding the proposal for inclusion of name of petitioner in Shalarth ID. In identical situation this Court in the case of **Sujit Prabhakarrao Deshmukh Vs. State of Maharashtra and Ors.;** (Writ Petition No.2926/2022 along with other connected writ petitions) by an order dated 19.09.2024, relying on the ratio laid down in the matter of ***Amol Baban Sangar Vs. State of Maharashtra and Ors.; 2022 DGLS (Bom.) 1088,*** has held that Deputy Director of Education or the Director of Education, as the case may be has no power to review or cancel the order of approval while entertaining the proposal for inclusion of name of an employee in the Shalarth ID.

9. In the light of above, we find that the impugned order is

unsustainable and, therefore, is liable to be quashed and set aside. We, therefore, allow this writ petition in terms of prayer Clauses 'B' and 'C' with no order as to costs. Rule is thus made absolute in above terms with no order as to costs.

(ABASAHEB D. SHINDE, J.) (NITIN B. SURYAWANSHI, J.)

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