

(2023) 09 BOM CK 0003
In the Bombay High Court
Case No : Writ Petition No.14724 Of 2022

Asha Lata Dattatray Mane

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 04-09-2023

Acts Referred:

Citation : (2023) 09 BOM CK 0003

Hon'ble Judges : Sunil B. Shukre, J; Firdosh P. Pooniwalla, J

Bench : Division Bench

Advocate : S. S. Kazi, M. M. Chaudhari, S. S. Bhende

Final Decision : Allowed

Judgement

Sunil B. Shukre, J

1. Leave to add Deputy Director as party-Respondent No.3-A, is granted. Cause title be amended forthwith.

2 Learned AGP waives notice on behalf of Respondent Nos. 1 to

3 Heard. Rule. Rule made returnable forthwith and with the consent of the parties, heard finally at the admission stage.

4 In this case, approval was already granted to the appointment of the Petitioner by the Deputy Director of the Education (Secondary) , Pune which can be seen from the approval orders passed by the Education Officer (Secondary), Pune, which are annexed as Exhibit 'D' and 'E' (pages 32 and 33). If approval so granted to the appointment of the Petitioner as Shikshan Sevak is continued, the Deputy Director has no jurisdiction to refuse to enter the name of the Petitioner in Shalarth Pranali on such grounds, which are not permissible in law.

5 Of course, the order of the approval granted to the appointment of a Teacher or Shikshan Sevak can be reviewed but that can be done only in exceptional circumstances as held in the case of Amol Baban Sangar v/s. State of

Maharashtra & Others reported in 2022 SCC Online Bom 382. Such exceptional circumstances do not exist in the present case. The impugned communication is, therefore, illegal and deserves to be quashed and set aside with further necessary directions issued to Deputy Director of Education.

6 Petition is allowed.

7 Impugned communication is hereby quashed and set aside.

8 Respondent Nos.1 & 2 are directed to enter the name of the Petitioner in the Shalarth Pranali for the purpose of payment of on line salary of the Petitioner with further directions to Respondent Nos.1 to 3 to release arrears of salary for the period for which the salary has not been paid to the Petitioner, within a period of two weeks from the date of this order.

9 Rule is made absolute in the above terms. No order as to costs.