

(2025) 12 BOM CK 1690

In the Bombay High Court, Kolhapur Bench

Case No : Writ Petition No. 12566 Of 2025

Bhagyashree Prashant Agarkhed

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 09-12-2025

Acts Referred:

Citation : (2025) 12 BOM CK 1690

Hon'ble Judges : M.S. Karnik, J;Ajit B. Kadethankar, J

Bench : Division Bench

Advocate : Sagar Mane, Ashwini Bandiwadekar, A. P. Vanarase

Final Decision : Allowed

Judgement

Ajit B. Kadethankar, J

1. Subject Matter :

The matter pertains to grant of Shalarth Identity and inclusion of Petitioner's name in the Shalarth System, consequent to grant of approval to Petitioner's appointment. Feeling aggrieved by the inaction on the part of Respondent No.5 - The Divisional Chairman, Maharashtra State Secondary and Higher Secondary Education Board, Pune Divisional Board, Pune [hereinafter referred as the "Board Chairman" for the sake of convenience], the Petitioner seeks directions to the said Authority i.e. Board Chairman to grant Shalarth Identity to the Petitioner and include Petitioner's name in the Shalarth System.

2. Considering the nature of relief prayed in the Petition we have heard the Writ Petition inally by consent of the parties.

3. Rule. Rule made returnable forthwith. For the sake of convenience, the parties are referred to by their factual status.

4. Facts in brief:-

4.1 It is not disputed that the Petitioner was appointed on the post of 'Part Time

Shikshan Sevak' by the Respondent No.3 - School Management by following due process of law at Respondent No.4 - School on 21st September 2021.

4.2 It is also an undisputed fact that the Deputy Director of Education, Pune has accorded approval to the services of Petitioner vide order dated 7th October 2022. Subsequently, in view of the various Government Resolutions and particularly in the light of the letter dated 7th September 2017 issued by the Deputy Director of Education, Mumbai, the Petitioner came to be appointed on the full time post of Shikshan Sevak on 15th March 2023 by the Respondent - School Management in Commerce faculty. On 19th May 2023, the Deputy Director of Education, Pune granted approval to Petitioner's services as Full time Shikshan Sevak.

4.3 Consequent to the approvals granted by the competent authority to the Petitioner's services, the School Management and the Deputy Director of Education submitted a proposal to the Board Chairman for inclusion of Petitioner's name in the Shalarth System as part time Shikshan Sevak and to grant Shalarth Identity to the Petitioner.

4.4 The Petitioner submits that the deiciencies raised by the Board Chairman are already cleared by the School Management and there is no hindrance in granting Shalarth Identity to her. As such, Petitioner is before this court seeking directions to the Respondent Authority, particularly the Board Chairman to grant Shalarth Identity as also to include Petitioner's name in the Shalarth System.

4.5 Following are the important sequence of events necessary to pass the directions to the Respondent No.5.

Sr.

Particulars

Dates

No.

1.

Appointment of Petitioner as Part time

21st September

Shikshan Sevak

2021

2.

Grant of approval by the Deputy

7th October 2022

Director of Education for Part time

And

employment as Shikshan Sevak and full

19th May 2023

time Shikshan Sevak

3.

Dates of proposals filed by the School

7th August 2023,

Management and the Deputy Director

11th August 2023,

of Education for grant of Shalarth

3rd October 2023

Identity to the Petitioner

4

Queries raised by the Respondent No.5

6th December

2023

5

Compliance of the deficiencies and the

31st December

queries

2024

6

Reminder by the School Management

16th July 2025

5. Petitioner's arguments:

5.1 Mr. Sagar Mane, learned Counsel for the Petitioner would submit that in view of the law settled by this Court in a number of matters, directions are needed to be given to the Respondent Board Chairman to process the Shalarth Identity proposal, and to grant Shalarth Identity to the Petitioner.

5.2 Mr. Mane would further submit that in the given set of facts, the inaction on the part of the Board Chairman is highly depreciable and he can not merely sit

tight over the proposal.

5.3 Mr. Mane would further submit that the inaction on the part of the Board Chairman suggests question by the said Authority on the approval granted by the Deputy Director of Education. With this, Mr. Mane, learned Counsel for the Petitioner prays to allow the Writ Petition by issuing appropriate directions to the Board Chairman.

6. Respondent's arguments:-

6.1 Obviously, the School and the Management support Petitioner's case.

6.2 Mr. A. P. Vanarase, learned Assistant Government Pleader would fairly agree with the position of law on the subject matter issue, and would pray to pass an appropriate order.

7. Discussion and consideration: -

7.1 It is an admitted fact that the Shalarth System is introduced by the Government of Maharashtra to streamline the process of granting and releasing the salaries of the Employees in the private schools and junior colleges.

7.2 Needless to mention, such Employees of private schools and junior colleges whose appointments are duly approved by the Education Officer/Deputy Director of Education, as the case may be, are entitled to get their names incorporated in the Shalarth System and also to get Shalarth Identity. In other words, Approval to appointment by the competent authority is the condition precedent for grant of Shalarth Identity. Grant of approval is a crucial stage and a qualification for inclusion in the Shalarth System.

7.3 This Court in number of cases has observed that once the competent authority grants approval to the appointment of an employee of a Private School and submits proposal for grant of Shalarth Identity, the Deputy Director of Education or the Board Chairman, as the case may be, is under an obligation to grant Shalarth Identity to such Employee and to include the employee's name in the Shalarth System.

7.4 It is true that the Deputy Director of Education or the Board Chairman, as the case may be, may call the School Management or the Employee for certain clarification if any data to be incorporated is inadequate, however in no sense can the Shalarth Identity be withheld/declined questioning the approval in existence.

7.5 The grant of approval to the appointment of an employee necessarily mandates the competent authority (Board Chairman in the present case) to grant Shalarth Identity to such Employee. In other words, the Deputy Director of Education or the Board Chairman, as the case may be, is under mandate to grant Shalarth Identity to such Employee whose services are approved by the Education Officer or the Deputy Director of Education, as the case may be, and the proposal is submitted for grant of Shalarth Identity.

7.6 Inaction on the part of the designated authority to grant Shalarth Identity despite the proposal containing approval granted by the concerned authority, or questioning the approval by the approving authority is not at all permissible.

7.7 We refer to latest judgment and order dated 21st November 2025 passed by this Court in the case of Saniya Shahrukh Shaikh & Ors. Vs. The State of Maharashtra & Ors. In Civil Writ Petition No.12195 of 2025, wherein upon recording various judgments and orders passed by this Court we have observed as follows :

"7.15 From the discussion above and for the reasons recorded, we hold that,

(i) The ban on appointments imposed vide G.R. dated 04/05-05- 2020 could not prevent the present school management i.e. Minority Educational Institutions from appointing the Petitioner No.1.

(ii) Once approval is granted by the Education Oicer (Secondary), Zilla Parishad, the Deputy Director of Education neither can refuse nor can merely sit over the proposal to include the name of the concerned employee in the Shalarth System. Rather the Deputy Director of Education is under mandate to issue Shalarth Identity to such employee and to include such employee's name in the Shalarth system. Needless to mention, this being in the nature of an administrative job, the Deputy Director of Education must immediately complete the said exercise of granting Shalarth Identity to the concerned employee. Refusal or inaction, as the case may be, on the part of the Deputy Director of Education not only results into deprivation of concerned employee's legitimate right of salary/honorium, but also causes unnecessary court litigation.

(iii) Deputy Director of Education doesn't sit in appeal over the approval granted by the Education Oicer (Secondary), Zilla Parishad while granting Shalarth Identity under GR dated 07-11-2012 r/w GR dated 20-03-2019. However, it's not that the approvals granted by the Education Oicers (Secondary), Zilla Parishads cannot be subjected to review at all. Review of an approval is permissible within the four corners of law, the procedure contemplated, and in the peculiar facts of the cases e.g. if the approval was obtained by fraud or misrepresentation etc."

8. In the case in hand, the Board Chairman has not yet included name of the Petitioner in the Shalarth System despite there being approval in favor of the Petitioner, and despite there being directions and orders passed by this Court on a number of occasions. The case cited above squarely covers the case in hand as the Petitioner is employed in a Junior College.

9. In view of the above, we ind that the Petitioner has made out a successful case for issuance of certain directions to the Respondent - Board Chairman. Hence, we pass the following order:-

:: ORDER ::

(A) The Writ Petition stands allowed;

(B) The Respondent No.5 – The Divisional Chairman, Maharashtra State Secondary and Higher Secondary Education Board, Pune Divisional Board, Pune is directed to include name of the Petitioner in the Shalarth System and grant Shalarth Identity to the Petitioner as Part time Shikshan Sevak as per the pending proposal, within a period of six weeks from the date of receipt of this order's copy.

(C) Needless to mention, The Divisional Chairman, Maharashtra State Secondary and Higher Secondary Education Board, Pune Divisional Board, Pune and the Deputy Director of Education, Pune shall release the salary / honorarium grant for the Petitioner w.e.f. 21st September 2021 to 14th March 2023 with arrears within a period of four weeks from the date of granting Shalarth Identity to the Petitioner.

(D) Rule made absolute in above terms.

(E) Writ Petition stands disposed of keeping all contentions open for the respective parties in the eventuality.