

(2026) 03 BOM CK 0392
In the Bombay High Court, Aurangabad Bench
Case No : Writ Petition No. 1520 Of 2026

Vijay

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 04-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2026) 03 BOM CK 0392

Hon'ble Judges : Vibha Kankanwadi, J;Hiten S. Venegavkar, J

Bench : Division Bench

Advocate : U.M. Maske, S.B. Ghatol Patil, Abhijit M. Phule, S.R. Yadav Lonikar

Final Decision : Allowed

Judgement

Hiten S. Venegavkar, J

1. The present petition is filed under Article 226 of the Constitution of India seeking a direction against Respondent No.3, the Divisional Deputy Director of Education, Chhatrapati Sambhajinagar, to consider the proposal submitted for inclusion of the name of the petitioner in the Shalarth Pranali and to issue a Shalarth ID so that the petitioner may receive salary along with consequential benefits.

2. The petitioner is serving as an Assistant Teacher in the school run by respondent Nos.5 and 6 and is presently working as In-charge Headmaster of the said institution. The petitioner was initially appointed as a Shikshan Sevak on 22.01.2013 after following due procedure as prescribed under the relevant statutory framework governing appointments in private aided schools. After completion of the probation period, the petitioner continued in service as Assistant Teacher and the management issued appropriate orders in that regard.

3. The proposal dated 24.01.2013 seeking approval to the petitioner's appointment as Shikshan Sevak was submitted by the management to the office of respondent No.4, the Education Officer (Primary). Subsequently, another

proposal dated 27.01.2015 was forwarded seeking approval for continuation of services and appointment as Assistant Teacher. Upon due scrutiny of the proposals, respondent No.4 passed an order dated 26.03.2015 granting approval to the initial appointment of the petitioner as Shikshan Sevak for the period from 22.01.2013 to 21.01.2015 and thereafter granted approval to the continuation of the petitioner's services as Assistant Teacher with continuity from 21.01.2015 on a non-grant basis.

4. The petitioner continued to work in the said institution without any interruption. On 31.07.2022, a post of Assistant Teacher receiving grant-in-aid became vacant due to the retirement of one Assistant Teacher. Considering the vacancy, the petitioner was transferred from an unaided post to an aided post in the cadre of Assistant Teacher. A proposal dated 05.09.2022 was submitted by respondent Nos.5 and 6 seeking approval for such transfer from unaided to aided post. respondent No.4 granted approval to the said transfer and appointment of the petitioner on the aided post in the school of Respondent No.6.

5. Thereafter, on 26.09.2022, the management submitted a proposal to Respondent No.4 seeking inclusion of the name of the petitioner in the Shalarth Pranali so that the petitioner may receive salary from the grant-in-aid received by the institution. Respondent No.4 forwarded the proposal with positive recommendation to respondent No.3, the Divisional Deputy Director of Education.

6. By communication dated 01.11.2022, respondent No.3 returned the proposal by pointing out certain deficiencies. The management thereafter cured the deficiencies and submitted a fresh proposal on 01.02.2024 along with all supporting documents including proof of vacancy in the aided post and the relevant grant-in-aid sanction orders. respondent No.4 again forwarded the proposal with positive remarks on 04.03.2024.

7. Since the submission of the proposal in March 2024, the matter has remained pending before respondent No.3 without any decision. The petitioner has repeatedly approached the offices of respondent Nos.3 and 4 requesting that his name be included in the Shalarth system so that he may receive his lawful salary. However, despite the lapse of considerable time, the proposal has not been decided.

8. The petitioner submits that once all necessary approvals for his appointment have already been granted and the appointment on the aided post has also been approved, the inclusion of his name in the Shalarth Pranali is merely a ministerial and consequential act. However, due to the inaction of the authorities, the petitioner has been deprived of salary for more than three years.

9. After hearing the learned counsel appearing for the petitioner and the learned Assistant Government Pleader for the respondents and after perusing the documents on record, this Court finds the conduct of the concerned authorities extremely disturbing.

10. The documents placed before this Court clearly establish that the petitioner's appointment as Shikshan Sevak was duly approved and that thereafter approval for continuation as Assistant Teacher was also granted by the competent authority. The subsequent transfer of the petitioner from an unaided post to an aided post was also duly approved by the Education Officer. These approval orders have attained finality and have not been challenged or set aside by any authority.

11. Once the appointment of the petitioner on the aided post stands approved, the inclusion of his name in the Shalarth Pranali for the purpose of salary disbursement is a consequential administrative step. While considering such proposal, the Divisional Deputy Director of Education is not expected to reopen the issue of appointment approval or sit in appeal over the order passed by the Education Officer [Pramod Prabhakar Pokale vs. State of Maharashtra 2019(3) Bom. C.R. 278 (A.B.)]

12. The role of Respondent No.3 in such cases is limited to verifying whether the appointment approval order exists, whether the vacancy is duly sanctioned and aided, and whether the proposal submitted by the management and forwarded by the Education Officer is complete in all respects. Upon such verification, the name of the teacher is required to be included in the Shalarth Pranali and a Shalarth ID must be issued without unnecessary delay.

13. This Court has increasingly come across several matters where proposals submitted to the offices of Education Officers and Divisional Deputy Directors of Education remain pending for months and sometimes even years without any decision. As a result, teachers who are legitimately appointed and whose appointments have been duly approved are forced to work without salary merely because their names are not included in the Shalarth system.

14. Such a situation is wholly unacceptable. Salary is not a charity or a favour granted by the State. It is the lawful remuneration for services rendered by a Teacher. Denial of salary for years together due to administrative inaction amounts to grave injustice and directly affects the dignity and livelihood of the teacher and his family.

15. The mechanism of Shalarth Pranali has been introduced by the State Government for transparency and accountability in the disbursement of salary to teachers working in aided institutions. While the objective of the system is laudable, the authorities entrusted with the administration of the system must ensure that it functions efficiently and does not become an instrument of harassment.

16. During the course of hearing, this Court inquired whether there exist any guidelines issued by the State Government prescribing timelines within which such proposals are required to be decided by the Education Officers and the Divisional Deputy Directors of Education. The learned AGP fairly submitted that no such comprehensive guidelines or time-bound framework presently exists.

17. In the absence of such guidelines, the authorities are exercising unregulated administrative discretion which often results in delay and arbitrariness. It also affects the filing of avoidable litigation before this Court, as the poor teachers are required to approach this Court only for directions to decide the proposals pending before various authorities. It is therefore necessary for this Court to issue appropriate directions so that the proposals relating to appointments, approvals and inclusion in the Shalarth system are decided within a reasonable time.

18. Accordingly, this Court lays down the following guidelines which shall be followed by all Education Officers and Divisional Deputy Directors of Education throughout the State of Maharashtra until appropriate Government Resolution is issued by the State Government.

19. Whenever a proposal relating to approval of appointment, approval of transfer from unaided to aided post, approval of promotion, approval of appointment of Shikshan Sevak, or inclusion of a teacher's name in the Shalarth Pranali and any other proposals are submitted by the management or headmaster, the concerned Education Officer shall scrutinize the proposal within a period of fifteen days from the date of receipt. If any deficiency is noticed, the same shall be communicated to the management in writing within the said period clearly specifying all deficiencies at once.

20. The management shall be granted a reasonable period not exceeding fifteen days to cure the deficiencies. Once the corrected proposal is resubmitted, the Education Officer shall decide the proposal within thirty days and pass a reasoned order granting approval or rejecting the proposal.

21. In cases where the proposal is required to be forwarded to the Divisional Deputy Director of Education, the Education Officer shall forward the proposal along with clear remarks and recommendations within seven (07) days from the date of proposal.

22. Upon receipt of such proposal, the Divisional Deputy Director of Education shall scrutinize the proposal strictly within thirty (30) days. If the appointment approval already exists and the vacancy is duly sanctioned, the Divisional Deputy Director shall ensure immediate inclusion of the teacher's name in the Shalarth Pranali and issuance of Shalarth ID.

23. While examining proposals for Shalarth inclusion, the Divisional Deputy Director shall not reopen or re-examine the validity of the appointment approval already granted by the Education Officer, unless the approval order itself has been set aside by a higher authority or the court. The Divisional Deputy Director shall follow the judgment in *Amol BabanSangar vs. State of Maharashtra and others* 2022 (2) Bom. C.R. 484.

24. If any deficiency is found in the proposal at the level of the Divisional Deputy Director, the same shall be communicated to the Education Officer and the

management within ten (10) days, and the corrected proposal shall be decided within fifteen (15) days thereafter.

25. In no case shall proposals relating to appointment approvals, transfer approvals, promotion approvals, grant-in-aid vacancy approvals, or inclusion in the Shalarth system remain pending beyond sixty (60) days from the date of submission of complete proposal.

26. The Education Department shall maintain a digital tracking system for all proposals received by the Education Officers and Divisional Deputy Directors of Education. The status of every proposal shall be updated online so that unnecessary delay and lack of accountability are eliminated.

27. If any officer fails to decide such proposals within the prescribed time limit without sufficient cause, the concerned authority shall record the reasons for delay in writing and the matter shall be reported to the higher authority.

28. Any deliberate delay, negligence or failure in deciding such proposals within the prescribed timeline shall amount to administrative misconduct and shall invite departmental action against the concerned officer.

29. The Principal Secretary, School Education Department, Government of Maharashtra, is directed to issue a comprehensive Government Resolution within two (02) months incorporating the above guidelines and prescribing a uniform procedure and timeline for consideration of all proposals relating to teacher appointments, approvals, transfer appointments, promotional appointments and Shalarth inclusion, etc. in consonance with existing Government Resolutions.

30. The said Government Resolution shall be circulated to all Education Officers, Deputy Directors of Education, Divisional Commissioners and all authorities connected with the administration of aided and unaided schools in the State of Maharashtra with an office order to follow the guidelines and observe the time line limits. The guidelines shall be followed strictly and mandatorily.

31. Failure to comply with the Government Resolution and the timelines prescribed therein shall result in disciplinary proceedings against the concerned officers.

32. Coming to the present case, the proposal for inclusion of the petitioner's name in the Shalarth Pranali has remained pending for an unreasonable period though all approvals have already been granted.

33. Respondent No.3, the Divisional Deputy Director of Education, Chhatrapati Sambhajnagar, is therefore directed to decide the proposal dated 01.02.2024 and include the name of the petitioner in the Shalarth Pranali and issue Shalarth ID within four (04) weeks from the date of receipt of this order, in case there is no deficiency.

34. Upon issuance of Shalarth ID, the salary of the petitioner shall be released forthwith along with all consequential benefits in accordance with law.

35. The writ petition is accordingly allowed in the above terms.

36. Compliance Report be filed by Principal Secretary, Education Department in this Court on the next date.

37. Placed the matter for compliance on 04.05.2026.