



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10999 OF 2024

1. The New Education Society Kolhapur
Having office at, Petala,
New Mahadwar Road, Kolhapur
Through its President/Secretary. ...Petitioner No.1
2. Princess Padmaraje Girls High School, New
Mahadwar Road, Kolhapur,
Through its Head Mistress. ...Petitioner No.2
3. Shri. Mahesh Maruti Tiwale,
Age: 35 Years, Occupation: Service,
R/o. 396, Salokhe Galli, Kalambe Tarfe Thane,
Taluka: Karveer, District: Kolhapur. ...Petitioner No.3

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education and Sports
Department, Mantralaya, Mumbai – 400 032. ...Respondent No.1
2. The Commissioner of Education,
School Education Department,
Maharashtra State, Pune. ...Respondent No.2
3. The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune-1. ...Respondent No.3
4. The Deputy Director of Education,
Kolhapur Region, Kolhapur,
Having office at, Hatti Mahal, Ganji
Galli, Somwar Peth, Kolhapur. ...Respondent No.4
5. The Education Officer (Secondary),
Zilla Parishad, Kolhapur,
Having Office at, Zilla Parishad Building,
Nagala Park, Kolhapur. ...Respondent No.5

WITH
WRIT PETITION NO. 11000 OF 2024

1. The New Education Society Kolhapur
Having office at, Petala,
New Mahadwar Road, Kolhapur
Through its President/Secretary. ...Petitioner No.1
2. Nandani High School, Nandani,
Taluka : Shirol, District : Kolhapur
Through its Head Master ...Petitioner No.2
3. Shri. Tushar Kallapa Damate,
Age: 31 Years, Occupation: Service,
R/o. Nandani, Taluka : Shirol,
District : Kolhapur ...Petitioner No.3

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 400 032. ...Respondent No.1
2. The Commissioner of Education,
School Education Department,
Maharashtra State, Pune. ...Respondent No.2
3. The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune-1. ...Respondent No.3
4. The Deputy Director of Education,
Kolhapur Region, Kolhapur,
Having office at, Hatti Mahal, Ganji
Galli, Somwar Peth, Kolhapur. ...Respondent No.4
5. The Education Officer (Secondary),
Zilla Parishad, Kolhapur,
Having Office at, Zilla Parishad Building,
Nagala Park, Kolhapur. ...Respondent No.5

WITH
WRIT PETITION NO. 13040 OF 2024

1. The New Education Society Kolhapur
Having office at, Petala,
New Mahadwar Road, Kolhapur
Through its President/Secretary. ...Petitioner No.1
2. New High School, Kolhapur
Taluka : Karvir, District : Kolhapur
Through its Head Master. ...Petitioner No.2
3. Shri. Atul Manohar Nigavekar,
Age: 35 Years, Occupation: Service,
R/o.'A' Ward, Dhotri Galli, Gangavesh,
Kolhapur ...Petitioner No.3

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education and Sports
Department, Mantralaya, Mumbai – 400 032. ...Respondent No.1
2. The Commissioner of Education,
School Education Department,
Maharashtra State, Pune. ...Respondent No.2
3. The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune-1. ...Respondent No.3
4. The Deputy Director of Education,
Kolhapur Region, Kolhapur,
Having office at, Hatti Mahal, Ganji
Galli, Somwar Peth, Kolhapur. ...Respondent No.4
5. The Education Officer (Secondary),
Zilla Parishad, Kolhapur,
Having Office at, Zilla Parishad Building,
Nagala Park, Kolhapur. ...Respondent No.5

WITH
WRIT PETITION NO. 13508 OF 2024

1. The New Education Society Kolhapur
Having office at, Petala,
New Mahadwar Road, Kolhapur
Through its President/Secretary. ...Petitioner No.1
2. Sou. Saraswatibai M. Lohia High School and
Junior College, Kolhapur, 1014, 'A' Ward,
Petala, Krari Corner, Kolhapur,
Through its Head Master. ...Petitioner No.2
3. Shri. Arjun Krishnat Mahadik,
Age : 33 Years, Occupation : Service,
R/o. A/P. Kasaba Thane, Tal. Panhala,
District : Kolhapur ...Petitioner No.3

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education and Sports
Department, Mantralaya, Mumbai – 400 032. ...Respondent No.1
2. The Commissioner of Education,
School Education Department,
Maharashtra State, Pune. ...Respondent No.2
3. The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune-1. ...Respondent No.3
4. The Deputy Director of Education,
Kolhapur Region, Kolhapur,
Having office at, Hatti Mahal, Ganji
Galli, Somwar Peth, Kolhapur. ...Respondent No.4
5. The Education Officer (Secondary),
Zilla Parishad, Kolhapur,
Having Office at, Zilla Parishad Building,
Nagala Park, Kolhapur. ...Respondent No.5

WITH
WRIT PETITION NO. 15073 OF 2024

1. The New Education Society Kolhapur
Having office at, Petala,
New Mahadwar Road, Kolhapur
Through its President/Secretary. ...Petitioner No.1
2. Laxminarayan Malu High School,
Jaysingpur, Taluka : Shirol, District : Kolhapur
Through its Head Master. ...Petitioner No.2
3. Sou. Megha Sandeep More,
(Nee Smt. Megha Rajendra Patil)
Age : 38 Years, Occupation : Service,
R/o. A/P. Jaysingpur, Shahunagar, Jaysingpur, ...Petitioner No.3
Tal. Shirol, District : Kolhapur

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education and Sports
Department, Mantralaya, Mumbai – 400 032. ...Respondent No.1
2. The Commissioner of Education,
School Education Department,
Maharashtra State, Pune. ...Respondent No.2
3. The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune-1. ...Respondent No.3
4. The Deputy Director of Education,
Kolhapur Region, Kolhapur,
Having office at, Hatti Mahal, Ganji
Galli, Somwar Peth, Kolhapur. ...Respondent No.4
5. The Education Officer (Secondary),
Zilla Parishad, Kolhapur,
Having Office at, Zilla Parishad Building,
Nagala Park, Kolhapur. ...Respondent No.5

WITH
WRIT PETITION NO. 15078 OF 2024

1. The New Education Society Kolhapur
Having office at, Petala,
New Mahadwar Road, Kolhapur
Through its President/Secretary. ...Petitioner No.1
2. Laxminarayan Malu High School,
Jaysingpur, Taluka : Shirol, District : Kolhapur
Through its Head Master. ...Petitioner No.2
3. Shri. Chandrakant Annaso Patil,
Age : 40 Years, Occupation : Service,
R/o. A/P. Udgaon, Taluka : Shirol,
District : Kolhapur ...Petitioner No.3

Versus

1. The State of Maharashtra,
Through the Secretary,
School Education and Sports
Department, Mantralaya, Mumbai – 400 032. ...Respondent No.1
2. The Commissioner of Education,
School Education Department,
Maharashtra State, Pune. ...Respondent No.2
3. The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune-1. ...Respondent No.3
4. The Deputy Director of Education,
Kolhapur Region, Kolhapur,
Having office at, Hatti Mahal, Ganji
Galli, Somwar Peth, Kolhapur. ...Respondent No.4
5. The Education Officer (Secondary),
Zilla Parishad, Kolhapur,
Having Office at, Zilla Parishad Building,
Nagala Park, Kolhapur. ...Respondent No.5

Mr. Prashant Bhavake, for the Petitioners.

Ms. Tejas J. Kapre, AGP for the Respondent-State.

**Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.**

Reserved on : September 22, 2026.

Pronounced On : September 24, 2026.

ORDER : (Per : Sharmila U. Deshmukh, J.)

1. This group of Petitions raise identical issues. Common submissions were advanced, and hence, these Petitions are being disposed of by this common order.
2. Writ Petition No.10999 of 2024 is filed by the Petitioners challenging the order dated 6th April, 2023 passed by Respondent No.5 - Education Officer, rejecting the proposal submitted by Petitioner Nos.1 and 2 seeking individual approval to the appointment of Petitioner No.3 in the post of Peon at Petitioner No.2 Secondary School.
3. Writ Petition No.15073 of 2024 seeks an identical relief of quashing and setting aside the impugned order dated 12th May, 2023, by which the proposal submitted by Petitioner Nos.1 and 2 seeking individual approval to the appointment of the Petitioner No.3 in the post of Peon came to be rejected.
4. Writ Petition No.11000 of 2024 impugns the identical order of rejection dated 12th May, 2023, seeking approval to the appointment of Petitioner No.3 in the post of Peon at Petitioner No.2 Secondary School.

5. Writ Petition No.13508 of 2024 impugns the order of rejection dated 3rd April, 2023 of the proposal submitted for appointment of Petitioner No.3 to the post of Peon at Petitioner No.2 - Secondary School.
6. Writ Petition No.13040 of 2024 impugns the order of rejection passed by the Education Officer on 25th May, 2023, seeking individual approval to the appointment of Petitioner No.3 to the post of Peon at Petitioner No.2 - Secondary School.
7. Writ Petition No.15078 of 2024 impugns the order of rejection dated 12th May, 2023, rejecting the proposal submitted for appointment of Petitioner No.3 to the post of Peon at Petitioner No.2 - Secondary School.
8. The Petitioner Nos.1 and 2 in all these Petitions, is New Education Society, Kolhapur, and the schools in which the appointments are made are the schools run by the New Education Society.
9. For factual clarity, the facts of Writ Petition No.10999 of 2024 are referred. In Petitioner No.2 - School, vacancy was created due to retirement of Peon and before proceeding to fill up the vacancy, the representative of Petitioner No.1 approached the office of Respondent No.5 to ascertain whether any suitable surplus Peon was available. As no suitable surplus Peon was available, the Petitioner No.1 published advertisements in two daily newspapers, in response to which Petitioner

No.3 applied, and appointment order was issued by Petitioner No.1. Subsequently, the proposal was attempted to be submitted for approval; however, the same was not accepted by orally giving the reason of ban on recruitment, and ultimately, on 8th March, 2023, the proposal came to be submitted and was rejected, leading to the present Petition.

10. Learned counsel appearing for the Petitioners has taken this Court through the reasons given in the impugned order dated 6th April, 2023, rejecting the Petitioner No.3's proposal seeking approval. He submits that insofar as the deficiencies noted at Serial Nos.1 to 9 of the impugned order is concerned, the management may be given an opportunity to comply with these deficiencies. He submits that, insofar as the reason cited at Serial No.10 is concerned, the Government Resolution dated 10th June, 2010, placing an embargo on recruitment was in operation for a period of one year, which was thereafter extended for a further period of one year by the Government Resolution dated 16th July, 2011. He submits that the Petitioner's appointment is of the year 2017. He would further submit that, insofar as the Government Resolution dated 23rd October, 2013, which directed *status quo* till the staffing pattern is approved, was the subject matter of the decision in the case of ***Vikas Shikshan Mandal and Others v. The***

State of Maharashtra and Others¹. Drawing attention of this Court to the said judgment, he would submit that this Court has held that the last staffing policy introduced vide Government Resolution dated 25th November, 2005 was held to be holding the field, and the new staffing pattern for Class-IV employees was operational only with effect from 11th December, 2020. He submits that, in view of the same, the staffing pattern which would be applicable would be the staffing pattern of 2005. He would further submit that the deficiency cited at Serial No. 11 is also covered by the decision of ***Vikas Shikshan Mandal***, (*supra*). He submits that insofar as deficiency at Serial No.12 is concerned, the same is based on the delay in submitting the proposal, which is also cited as a deficiency at Serial No.2, and appropriate explanation is called for, which will be duly submitted.

11. Learned AGP would support the impugned order and would submit that, as there are number of deficiencies which are cited in the impugned order, the approval could not have been granted by the Education Officer and the proposal has been rightly rejected.

12. We have considered the submissions and perused the record.

13. By the impugned order dated 6th April, 2023, the Education Officer has listed a number of deficiencies and, without giving an opportunity to the management to cure the deficiencies, have rejected

¹ Writ Petition No.6812 of 2024 dated 2nd February, 2026.

the proposal. Pertinently, the deficiencies which are cited at Serial Nos. 1, 2 and 3 of the impugned order specifically calls upon the management to submit an explanation. Where an explanation has been called from the management, it is expected that appropriate communication would be issued to the management calling upon it to comply with the deficiencies. Instead, the Education Officer, without giving an opportunity to the management to submit the explanation, has rejected the proposal.

14. The deficiencies which are noted at Serial Nos. 1 to 9 are the deficiencies in the documents required by the Education Officer and could have been called from the management before rejecting the proposal, which has not been done in the present case. There is, therefore, substance in the submission of learned Counsel appearing for the Petitioners that an opportunity be granted to the management to comply with the deficiencies stated in Serial Nos. 1 to 9.

15. Coming to the deficiencies which are cited at Serial Nos. 10 and 11, which is one of the common reason in all these Petitions for rejecting the proposals, the Education Officer has considered the embargo imposed on recruitment by Government Resolution dated 10th June, 2010. The Government Resolution is annexed at page 105 of the Petition. Perusal of the Government Resolution would indicate that, in respect of Class-III and Class-IV employees, with effect from 5th June,

2010, there was a ban on recruitment which was for a period of one year. Subsequently, by Government Resolution dated 16th July, 2011, the ban which was imposed with effect from 5th June, 2010, was extended for a period of one year. The Petitioner's appointment is subsequent to the Government Resolutions of 2010 and 2011, and the same could not have formed the basis for rejection of the proposal for approval.

16. The Education Officer has further placed reliance on the Government Resolution dated 23rd October, 2013, by which there was a *status quo* which was granted in respect of non-teaching employees till the staffing pattern has been approved.

17. The Education Officer has also relied upon the Government Resolution dated 28th January, 2019, by which the revised staffing pattern was applied to the non-teaching staff, to hold that the Government Resolution gives no reason in respect of Class-IV employees. The Education Officer has further considered that by Government Resolution dated 11th December, 2020, the staffing pattern of Class-IV employees has been finalized, and accordingly, the honorarium is required to be paid to Class-IV employees.

18. The Division Bench of this Court in the case of ***Vikas Shikshan Mandal***, (*supra*), considered the changes in the staffing pattern in the

private school and the effect of the Government Resolutions dated 23rd October, 2013, 12th February, 2015, 28th January, 2019, and 12th December, 2020, and the fate of the appointments made during the transition of the policies on staffing pattern. The Hon'ble Division Bench considered the Government Resolutions as regards the changes in the staffing pattern and held in Paragraphs 12.14 and 12.15 as Under :

"12.14 We are of considered view to hold that until the new staffing patters were introduced in 2019 and 2020, the last staffing policy introduced vide Government Resolution dated 25.11.2005 was holding field. Thus, the conundrum created by the various Government Resolutions from 2013 to 2019 & 2020 (IV category) over the staffing pattern and the fate of the appointments made in the mean period, stands solved. Staffing pattern sought to be introduced by Government Resolution of 2013 lost its effect ab initio in view of Government Resolution of 2015. Meaning thereby, the earlier staffing pattern of 2005 stood superseded by the staffing pattern of 2019 (for all categories excluding Class IV) and by the staffing pattern of 2020 (for Class IV category), both operational prospectively from their respective dates of issuance.

12.15. The new staffing pattern for Class IV employees is operational only w.e.f. 11.12.2020. It is trite law that a Government Resolution, a statute, an amendment is not retrospectively applicable unless expressly provided. Hence we reject the contention of the learned Assistant Government Pleader based on the objection recorded by the Education Officer that Government Resolution of 2013 i.e. dated 23.10.2013 disqualifies the proposal for approval to the appointment of Petitioner No.3 which is made on 31.08.2014."

19. The decision of the Hon'ble Division Bench of this Court is sufficient answer to the reasons stated by the Education Officer, while rejecting the proposal, at Serial Nos.10 and 11 of the impugned order.

20. Insofar as the reason cited at Serial No. 12 is concerned, the same seeks an explanation for the delay in submission of the proposal, which is for the Management to explain.

21. As there was no opportunity which was given to the Management to comply with the deficiencies mentioned at Serial Nos. 1 to 9, and the reasons cited at Serial Nos. 10 and 11 are covered by the decision in the case of **Vikas Shikshan Mandal**, (*supra*), and no longer survives in view of the decision of the Hon'ble Division Bench of this Court, we are of the considered opinion that the impugned orders in these group of Petitions rejecting the proposal submitted for approval of Petitioner No.3's appointment as Peon in Petitioner No. 2-School are liable to be quashed and set aside to the extent that it reject the proposal for approval.

22. The proposals are remitted to the file of the Education Officer. The Management is directed to comply with the deficiencies cited in the proposal.

23. The Education Officer to take into consideration the observations made in the present order and the decision of **Vikas Shikshan Mandal**, (*supra*), as the same answers the rejection on the ground of the Government Resolutions stated in Serial Nos.10 and 11 of the impugned order.

24. The Management to comply with the deficiencies within a period of two weeks. After receiving compliance with the deficiencies, the Education Officer to consider the proposal afresh and, particularly, in the light of the observations made in the present order, and decide the

proposals expeditiously and, in any event, within a period of four weeks thereafter.

25. In the event the proposals are approved, the Respondent No.4, Deputy Director of Education, to include the name of the Petitioners in the Shalarth Pranali and issue the Shalarth ID within a period of three weeks thereafter.

26. As there is a delay in submission of the proposal, the burden of arrears of grant-in-aid salary cannot be imposed upon the State Government. In the event approval is granted, the arrears of grant-in-aid salary to be released from the date of submission of the proposal within a period of three weeks thereafter.

27. The Petitions are allowed in the above terms.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]