



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 643 OF 2018

Mrs. Patil Swati Krishna & Anr. ... Petitioners

Versus

The State Of Maharashtra & Anr. ... Respondents

*Mr. Rushikesh Jagdale a/w. Ms. Neha Farakate i/b. Mr. Sagar Mane for the
Petitioners.*

Mrs. S.N. Deshmukh, A.G.P for the Respondent No.1-State.

Mr. Kedar Lad a/w. Ms. Poonam Dhotre for the Respondent No.2.

**Coram : ANIL L. PANSARE &
RANJITSINHA RAJA BHONSALE, JJ.**

Date : 29th April 2026.

P.C. :

1. The Petitioner No.1 was appointed as 'Assistant Teacher' by order of appointment dated 21st August 2013. The proposal for approval to the appointment has been rejected by the Respondent No.2 for three reasons. One is that, the approval of Respondent No.2 to fill in the post was not obtained. Second is that, the advertisement for filling the post was not issued. Learned counsel for Respondent No.2 submits that, in view of Section 5 of the Maharashtra Employees of Private Schools (Conditions of Service)



Regulation Act, 1977, prior permission of Respondent No.2's office is required before issuing any advertisement. Such permission has been not taken. Third is that, the explanation given to the letter dated 7th April 2015 issued by the Respondent No.2 is not relevant.

2. Learned counsel for the Respondent No.2 submits that on 7th April 2015 the Respondent No.2 refused proposal seeking approval to appointment of Petitioner No.1. In response, the Petitioner No.1 has furnished detailed explanation dated 29th April 2015 stating therein that in the August 2013 there was no policy of the State Government to absorb the surplus teachers. So far as seeking prior approval for filling post, the Principal of the school has stated that in the year 2013-2014 the school was unaided and therefore was not getting any grants from the Government.

3. Learned counsel for the Respondent No.2 has invited our attention to the paragraph No.2 of the Petition wherein the Petitioners have stated that the school was held eligible for grant to the standard 5th to 7th at 40% from June 2011, 60% from June 2012, 80% from June 2013 and 100% from June 2014. He accordingly submits that at the relevant time i.e. in August 2013 the school was receiving 80% grant and therefore the explanation put forth by the Principal of the School is misleading.

4. Thus, it appears that prior permission to publish advertisement to fill in the post was necessary, considering the fact that the school in question was



receiving grant-in-aid at 80% in August 2013. The same admittedly has been not taken.

5. Learned counsel for Respondent No.2 further submits that, in May 2012, the State Government took a policy decision that unless surplus teachers are absorbed, aided or unaided schools shall not appoint teaching or non-teaching staff. Thus, it is argued that in the year 2013 the policy of absorbing surplus teachers was in existence and the Petitioners have made an incorrect statement in the explanation.

6. We find substance in the submissions so made by the learned counsel for the Respondent No.2 in support of rejecting the proposal for approval of Petitioner No.1's appointment.

7. Learned counsel for the Petitioners, however, seeks time on account that the arguing counsel is not available today. Time granted.

8. Stand over to 5th May 2026.

[RANJITSINHA RAJA BHONSALE, J.]

[ANIL L. PANSARE, J.]

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