

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10410 OF 2026

Janta Shikshan Sanstha, Dapodi Thru. Its ...Petitioner
General Secretary, Shri Subhash Bhwasahb
Jawale

Digitally
signed by
JITENDRA
SHANKAR
NIJASURE
Date:
2026.09.28
13:51:50
+0530

Versus

The Education Officer (Secondary) & Ors. ...Respondents

Mr. Anil Anturkar, Senior Counsel with Ms. Kashish Chelani for the
Petitioner.

Mr. O.A. Chandurkar, Addl. G.P. with Ms. Priyanka B. Chavan, AGP
for the State.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.
DATE : 22ND SEPTEMBER, 2026.

ORDER:

1. By this Writ Petition, the Petitioner has sought a direction to Respondent Nos.1 to 5 to reopen the Pavitra Portal or provide the Petitioner with a special window/extension, notwithstanding its closure on 20th July 2026, and permit the Petitioner for publication of the advertisement on the Pavitra Portal process Phase 1 and completion of recruitment to 20 teaching posts in the Petitioner's Secondary School. Further consequential directions have also been sought.

2. The Petitioner is a public Trust duly registered on 3rd December 1954 under the Societies Registration Act, 1860. The Petitioner is running a Secondary and Higher Secondary School which is a Private Aided Educational Institution. The Petitioner has sought to fill up 20 vacant posts of Secondary School Teachers through the mandatory Pavitra Portal Phase 1 recruitment process in accordance with Government Resolutions dated 7th February 2019 and 30th March 2026.

3. The Petitioner had submitted a written representation to the Education Officer, Zilla Parishad, Pune on 27th May 2026 and 4th June 2026 seeking permission to issue an advertisement through the Pavitra Portal for filling such teaching vacancies.

4. A complaint was lodged by the Treasurer of the Petitioner's Educational Institution on 17th June 2026 questioning the recruitment process and alleging misleading information on the Portal. It is the Petitioner's case that the complaint concerned internal issues and had no lawful connection with the statutory requirement to fill teaching vacancies. The Petitioner submitted a detailed clarification to the Education Officer and the Directorate of Education

on 30th June 2026.

5. The Education Officer disposed of the complaints made by the Treasurer of the Petitioner's Institution on 6th July 2026 and 10th July 2026.

6. It is the Petitioner's case that the Education Officer approved the Petitioner's reservation roster and advertisement proposal for recruitment to 20 teaching posts through the Pavitra Portal on 9th July 2026. The approval confirmed that the proposal had reached the stage for advertisement and further recruitment action.

7. A status list was published on Pavitra Portal on 21st July 2026 reflecting the Petitioner's Institution at Sr. No. 418 showing roster status as "Entry Level" and the subject advertisement status as "Not Entered", despite the approval dated 9th July 2026. The Petitioner claims that no reasons, notice, deficiency memo, or opportunity of hearing was provided, thereby preventing the Petitioner from issuing the advertisement and proceeding with recruitment through Pavitra Portal, Phase 1.

8. The Petitioner submitted a further representation to the authorities on 7th August 2026 pointing out that all procedural requirements have been fulfilled, complaints had been disposed of, and the prolonged vacancies were causing serious academic loss to the students.

9. The recruitment process having commenced and candidates selecting their preferences in post-wise order, following which the subsequent stages of recruitment would be completed. The Petitioner being aggrieved by the action of the Respondent State in not allowing the Petitioner to publish the advertisement forthwith, which would result in non-availability of teachers during the current Academic Year and consequential prejudice to the students, filed the present Petition.

10. Mr. Anturkar, learned Senior Counsel appearing for the Petitioner has taken this Court through the Government Resolution dated 7th February 2019, which had concerned local body Schools as well as the private management Schools, and laid down timelines for the appointment of teachers through Pavitra Portal System. He has in this context, referred to Clauses 5.2, 5.3, 5.7, and 5.9 of the

said Government Resolution. He has submitted that private management Schools have been treated differently from the Schools run by local bodies such as Zilla Parishad, etc. He has further submitted that under Clause 5.2 the Educational Institution is required to submit a proposal for the recruitment of teachers and seek permission of the Education Officer (Primary/Secondary) along with the Administrative Officer of the Municipal Corporation/Council or the Divisional Deputy Director of Education, as the case may be, for the advertisement prior to the recruitment process. Thereafter under Clause 5.3 each Educational Institution will be required to upload information which the Competent Authorities would verify in order to confirm that the details in the advertisement are in accordance with Clause 5.2 of the Government Resolution. A time frame of 7 working days has been given for the Competent Authorities to take action on the proposal, and upon failure to do so, the current status of the matter would be reflected on the concerned Director of Education's login, who will then instruct the Competent Authority to take action within 3 working days based on the information received. Where the Competent Authorities failed to take a decision on allowing the proposal for advertisement permission within the prescribed time frame, the Directorate of Education

(Primary/Secondary and Higher Secondary) shall instruct the concerned Officers' Supervisors to make a note in the officer's confidential report.

11. Mr. Anturkar has further submitted that under Clause 5.5, it is provided that after approval by the Competent Authority, the advertisement will be displayed on the Pavitra Portal as per the demand of the Organization. It will be visible on the login of the Organization and also the representative of the Organization will receive a message through SMS. The advertisement is to be displayed on the website www.edustaff.maharashtra.gov. Further, within 3 working days of the advertisement being displayed on the website, the concerned Educational Institution shall publish the advertisement in two local newspapers of high circulation (at least one of which shall be in Marathi language).

12. Mr. Anturkar has submitted that under Clause 5.7 of the Government Resolution it is provided that interested and qualified candidates shall apply online on the Pavitra Portal within 7 days from the date of publication of advertisement with their qualifying marks in the Aptitude and Intelligence Test. Candidates may give priority in

the application by considering the category and subject.

13. Mr. Anturkar has submitted that clause 5.9 of the said Government Resolution is in the context of the private management Schools, and which provides that for these Schools, if available, for each vacant seat, the Director of Education will make available the selection list of the candidates with the highest marks in the ratio 1:10 with parallel reservation, as per priority order, merit list, medium, category, subject, and point list of the candidates on the login of that management. Thereafter, the concerned private management will interview the candidates from the selection list available for interview on their login, and check their teaching skills, and on that basis, select the candidate with the highest marks for the vacant post. There will be a total of 30 marks for interview and teaching skills. It is further provided that the concerned Educational Institutions will publish the mark sheets and results of the candidates on the Pavitra system through the interview and teaching skills. Along with this, the candidates who appeared for the interview will also be informed of their results personally. The concerned Educational Institution will appoint the candidate who ranks first as per the mark sheet within 7 working days.

14. Mr. Anturkar has accordingly submitted that by the said Government Resolution dated 7th February 2019, strict timelines have been set out for appointment of teachers on vacant seats of private management Schools. He has submitted that the subsequent Government Resolution dated 30th March 2026, had been issued pursuant to the judgment passed by this Court in Writ Petition Nos. 6949 of 2025, 6950 of 2025, and 10116/2025, whereby this Court had dismissed the Petitions by giving directions to the State Government to make the recruitment of teachers through Pavitra Portal more efficient and effective. Under Clause 5 of this Government Resolution, all Educational Institutions shall take note that no appointments will be made at the Institution level under any circumstances without the Pavitra Portal, and if such appointments are made, they will not be approved under any circumstances and appropriate action will be taken against the Institution.

15. Mr. Anturkar has submitted that the Petitioner's Institution's roster and point-wise reservation list was approved on 4th March 2026. The Petitioner had initially submitted a proposal in respect of 36 sanctioned posts, which came to be rejected. Thereafter, the Petitioner submitted a revised proposal for 27 posts, which was

approved, with a noting that 7 posts pertain to Higher education, which were to be reduced. Out of the approved posts, the Petitioner seeks to fill 20 vacant posts of Secondary School teachers.

16. Mr. Anturkar has submitted that the Petitioner had made representations to the Education Officer for approval and processing of the 20 posts. However, despite the approved roster and repeated representations, the Petitioner's proposal had not been processed on the Pavitra Portal.

17. Mr. Anturkar has submitted that the reason for non-processing on the Pavitra Portal was a complaint made by Ms. Kavita Gore, the Treasurer of the Petitioner's Institution and which complaint had thereafter been disposed of. He has submitted that the Respondent - State had solely placed reliance on Government Resolution dated 1st July 2026 and which reliance is admittedly erroneous as can be seen from the Affidavit in Reply filed by the Respondent – State. This is pursuant to Order dated 17th August 2026 where this Court directed the Respondent - State to clarify whether the GR dated 1st July 2026 is applicable to the Petitioner's case. Further, the Respondent - State was to clarify whether in the

event the GR dated 1st July 2026 is not applicable in the Petitioner's case, the Petitioner can take part in the first Phase of the recruitment of teacher cadre through Pavitra Portal, which had closed on 16th August 2026. The Respondent - State has stated in the said Affidavit in Reply that the Government Resolution dated 1st July 2026 is not applicable to the facts and circumstances of the present case. The said Government Resolution is in the context of disputes in the management of the Educational Institution which are before the Charity Commissioner for a period of more than one year. The Petitioner's Institution does not satisfy this condition prescribed under the said Government Resolution. However, in the context of the Petitioner being permitted to participate in Phase 1 of Pavitra Portal recruitment process, the Respondent - State has taken the stand that they cannot be permitted to do so.

18. Mr. Anturkar has also raised the contention that in view of the Government Resolution dated 7th February 2019 providing strict timelines for the Respondent - State to grant approval to the appointment of teachers and in the Petitioner's case, Secondary School teachers through Pavitra Portal, Phase 1 or Phase 2 in such recruitment process has no application. He has submitted that also in

the SoP of the Respondent - State which had been annexed to the Government Resolution dated 30th March 2026, there is no mention of there being two Phases for recruitment of the teachers. He has submitted that given the fact that there is no Government Resolution to that effect, this cannot be considered as a policy of the State and that the State is required to take action on recruitment of teachers as and when required by the Educational Institutions, given that this is in the interest of the students of that Institution.

19. The learned AGP appearing for the Respondent - State has submitted that it was at all points of time brought to the Petitioner's notice that the recruitment of School teachers will be done in two Phases. Phase 1 was well under progress, when the present Petition had been filed. She has also referred to the Government Resolution dated 30th March 2026, and in particular where it is mentioned that the Standard Operating Procedure (SOP) for teacher recruitment is fixed as per Annexure-A attached to the Government Resolution and that as per the said Annexure, there was a detailed procedure for recruitment of teachers to the Educational Institutions and which could only be completed in a Phase-wise manner as contemplated by the State.

20. The learned AGP has further submitted that though the Respondent-State has in their Affidavit-in-Reply stated that the Government Resolution dated 1st July 2026 is not applicable to the facts and circumstances of the present case as the dispute relating to the management of the Petitioner's Institution is not pending for a period of more than one year, it is too late in the day to permit the Petitioner to participate in Phase 1 of Pavitra Portal, particularly in view of the candidates or teachers who had applied for the seats in the Educational Institutions having locked their preferences by 16th August 2026.

21. The learned AGP has further submitted that Phase 1 of Pavitra Portal recruitment process has substantially progressed and Phase 2 is as per instructions, commencing from 21st October 2026 and the procedure of recruitment of teachers will be concluded by 20th January 2027. She has accordingly submitted that the Petitioner may be permitted to participate in Phase 2 in so far as the recruitment of teachers are concerned.

22. Having considered the submissions, though Mr. Anturkar has raised the issue of Phase 1 and Phase 2 of the Pavitra Portal for

recruitment process of teachers not being included in any Government Resolution and thus not being the policy of the State, we are not inclined to go into this issue in the circumstances of the present case and leave it open to be addressed in an appropriate proceeding.

23. The Petitioner has filed the present Petition on 8th August 2026, when Phase 1 of the Pavitra Portal process had substantially progressed. The Petitioner has challenged the action of the Respondent - State by which the Petitioner was not permitted to take part in Pavitra Portal process Phase 1 by publishing the advertisement so as to complete the recruitment process of filling 20 vacant teaching posts in its Secondary School. The closure of the Pavitra Portal was with effect from 20th July 2026. This was on account of a complaint having been made by the Treasurer of the Petitioner's Institution. The Respondent - State had taken such action on the premise that the Government Resolution dated 1st July 2026 is applicable to the Petitioner's case. Thereafter, the Respondent - State has by its Affidavit-in-Reply admitted that the Government Resolution dated 1st July 2026 had been erroneously applied to the Petitioner's case as the dispute in the management of the Petitioner's

Institution was not pending for a period of more than one year as contemplated under the Government Resolution dated 1st July 2026.

24. The Respondent - State in their Affidavit-in-Reply to the Petition has further stated that the Petitioner's participation in Phase 1 of the Pavitra Portal recruitment process is not permissible, in view of the recruitment process having substantially progressed and candidates locking their preferences by 16th August 2026.

25. The draft advertisement as well as roster for filling 20 vacant posts of teachers in the Petitioner's Institution/Secondary School had been approved. Although, the Petitioner's name had been reflected at Sr. No. 418 in the status report published on 21st July 2026, the status in so far as its roster and draft advertisement showed the remark "Entry Level" and "Not Entered" respectively. The impugned action as aforesaid was taken by the Respondent – State pursuant to the complaint made by the Treasurer of the Petitioner's Institution by placing reliance upon Government Resolution dated 1st July 2026. The Respondent - State having clarified the said Government Resolution is not applicable to the Petitioner's case, we

are of the view that the Petitioner is not required to once again issue draft advertisement and roster for approval of the Respondent - State. The Petitioner shall from the stage it was in Phase 1, participate in Phase 2 of the Pavitra Portal recruitment process which, as per instructions received by the learned AGP, is commencing from 21st October 2026. We have been informed that the recruitment process will be concluded by 20th January 2027.

26. Accordingly, we do not grant the prayer sought for in the Petition to permit the Petitioner to participate in Phase 1 by reopening Pavitra Portal for publication of advertisement for recruitment to 20 teaching posts in its Secondary School.

27. Further, the consequential prayer of correcting the Petitioner's status as shown in the list published on Pavitra Portal (roster and subject advertisement status report) wherein it is reflected as roster approval at "Entry Level" and subject advertisement status as "Not Entered" cannot be granted.

28. We accordingly dismiss the present Petition in the aforesaid terms. There shall be no order as to costs.

29. We once again clarify that the issue of the two Phases not being part of any Government Resolution and/or the policy of the State, as raised by the Petitioner, is expressly kept open to be addressed in an appropriate proceeding.

[FIRDOSH P POONIWALLA, J.]

[R.I. CHAGLA J.]