

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO. 14967 OF 2017**

1. Manoj s/o. Raghunath Patil .. Petitioners  
Age. 31 years, Occ. Service (Teacher),  
R/o. ZPPS Belaswadi, Tq. Muktai Nagar,  
District – Jalgaon.
2. Sandip s/o. Pralhad Pawar  
Age. 35 years, Occ. Service (Teacher)  
R/o. At Bildi (Bk) Post Gorakheda,  
Tq. Pachora, Dist. Jalgaon.

Versus

1. The State of Maharashtra .. Respondents  
Through its Secretary  
School and Education Department,  
Mantralaya, Mumbai – 400 032.
2. The Director of Education (Primary)  
Central Build., Pune-01.

Mr.S.B. Sontakke, Advocate for the petitioner.  
Mr.G.O. Wattamwar, AGP for respondent/State.

**CORAM : PRASANNA B.VARALE &**  
**S.M.GAVHANE, JJ.**  
**DATED : 11.07.2018**

**ORAL JUDGMENT [PER : PRASANNA B. VARALE, J.] :-**

1. Heard learned Counsel appearing for the  
petitioners and learned AGP appearing for respondent Nos.

1 and 2. With the consent of learned Counsels appearing for respective parties, petition is taken up for final hearing. The petitioners are Assistant Teachers working in Zilla Parishad School, Jalgaon. The petitioners raised challenge to Government Resolution (for short "GR") dated 03.07.2015 bearing No.संगण1015/प्र.क्र.19/संगणक and particularly challenge is raised to clause (4) of the GR. The submission is that by the said clause (4) of the GR the petitioners and alike teachers are directed to undertake duties which are extra-academic duties. Learned Counsel appearing for the petitioners invited our attention to the GR dated 03.07.2015. Copy of the GR is placed on record at Exh."A". It would be necessary to refer to the object behind issuing the GR and object reads (loosely translated) as – collecting and feeding information about the schools, teachers, students in a system known as (SARAL – Systematic Administrative Reforms for Achieving Learning by Students). The Government Resolution then states that there is always consistent demand of information at various levels which deals with the

academic aspects. Such information though is available, on the basis of hard copy, such information is scattered information and it is not collective information. It takes human resources sparing valuable man-hours for collecting such information. It also adversely affects the academic man-hours available for the teachers resulting in the teachers getting inadequate time for the teaching purpose. The GR further states that in view of recent Act i.e. The Right of Children to Free and Compulsory Education Act or Right to Education Act, 2009, certain limited academic duties can be assigned to the teachers. Then it is stated that, if necessary information is made available collectively, it will facilitate the teachers and students in achieving the goal of better education standards. It is then stated that such collective information will also help to facilitate the teachers in dealing with their issues of service conditions or other service benefit claims. With this object, the State Government thought it fit to develop system known as "SARAL". The information is

collected at various levels, such as, from the institution data base, school data base, teaching and non-teaching data base, student data base etc. Then it is stated that all the information collected by these data base would then facilitate to prepare UDISE. This exercise then would help in obtaining information immediately without wasting valuable human resources and the human work-hours. It is stated that ultimately time saved can be utilized by the teachers in the basic duty i.e. teaching.

2. As the petitioners raise challenge to clause (4) it is necessary to refer to clause (4). Clause (4) deals with fixing the responsibility of feeding the information and finalizing the information. In the chart of clause (4), Sr.No.1 deals with data base related to institutional level. Sr.No.2 deals with data base of school level. As these two categories are not much relevant for our purpose, it may not be necessary to deal with other details of these categories. The petitioners

are having serious objection to entry of Sr.No.3 of clause (4), which deals with data base of teaching and non-teaching staff. The competent officer is the Head Master. The finalization of the information is assigned to the Center head or Ward Officer. Then the Block Education Officer or the Urban Convener is assigned with duty of verification of information. Learned Counsel for the petitioner submitted that the teachers are expected to collect information and feed it by way of on-line process through computers. Learned Counsel for the petitioners then submitted that in many schools, computers are not available. He then submitted that many teachers are not conversant with the technical knowledge of feeding information by way of computers or by way of on-line process. This is the grievance of the petitioners.

3. Insofar as the grievance is concerned, learned AGP submitted that the grievance is only an apprehension that too ill-founded apprehension. Learned AGP then by

inviting our attention to the GR, submitted that even if the computers are not available in the school, the petitioners and alike teachers can very well take assistance of mobile phone in filling the information. Learned AGP invited our attention to clause 16 and 17. Learned AGP then submitted that care has been taken by the State Government that in case facility of on-line process is not available, in that situation, the teachers are permitted to fill up the information by way of off-line process and then the information can be sent and/or feed at a place where internet facility is available. Clause 16 reads that the Head Master/Class Teacher/Institute may take assistance of mobile phone having internet facility for filling the information of the school of the students. Learned AGP submitted that in the affidavit in reply, these clauses are highlighted. Learned AGP then submitted that this duty assigned to the teacher is not a duty which can be said to be having no academic purpose or is an extra-academic duty. On the contrary this is an additional assignment of the

teachers. The information is made readily available in the school about the students and the infrastructural facilities of the school. Teacher is only expected to fill this information by way of on-line process, thereby making it available in the centralized system known as "SARAL System". Learned AGP then submitted that the exercise of filling the information is not periodical exercise, but it is only annual exercise. As such the apprehension of the petitioner that this exercise may result in losing valuable man-hours or engaging human resources to the duties which are not academic duties is not acceptable.

4. Learned AGP submitted that inadequate knowledge of computer cannot be an excuse. Learned AGP submitted that the computer is now need of hour and minimum computer literacy is pre-requisite for entering in any Government employment. Perusal of the GR also reveals that the information is to be collected of all aspects including the infrastructural facilities available at

school. If the petitioners and alike teachers come across such fact situation, wherein there are inadequate facilities available in the school or school is lacking in infrastructural facilities, there is no prohibition to the petitioners and alike teachers to submit even this information in the on-line system.

5. Though learned Counsel for the petitioner made an attempt to submit before that there is specification of duties and as per clause 70 of the Manual of the Maharashtra Local Laws, the duties assigned to the teachers by way of the GR is extra-academic duty, we are unable to accept the submissions of learned Counsel for the petitioner, for the simple reason that clause 70(1) (a) states that primary school teacher shall be primarily responsible for education and effective education including physical education of the pupil in his charge. By filling up such information, if the student community in general is benefited, by no stretch of imagination, it can be stated that this is an extra-academic duty.

Considering all these aspects, we are of the opinion that the challenge raised to GR dated 03.07.2015 and more particularly clause (4) utterly fails.

6. The petition, thus, being devoid of any merits deserves to be dismissed and the same is accordingly dismissed.

**[ S.M.GAVHANE, J. ]**

**[ PRASANNA B.VARALE, J. ]**