

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 1167 OF 2019

The Maharashtra Rajya Urdu Shikshak
Sanghatana Nanded & others

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. V.G. Salgare, advocate for petitioners.

Mrs. A.V.Gondhalekar, AGP for respondents no. 1 and 2.

Mr. D.G. Nagode, advocate for respondent no. 3.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 4th April, 2019.

P.C. :

Heard learned counsel for the petitioners.

2. Petitioner no. 1 is an association representing the cause of its members including petitioners no. 2 to 9.

3. A very short issue is involved in the petition. The State Government with a loudable object of providing a scheme having more transparency in the backdrop of provisions of the Right of Children to Free and Compulsory Education Act, 2009, introduced a system named and styled as 'Pavitra Portal System' vide Government Resolution dated 23.06.2017.

4. Perusal of Government Resolution placed on record shows that the decision of this court in Public Interest Litigation

No. 8/2015 dated 24.06.2015, prompted the Government to undertake this exercise. It may not be necessary for us to refer to all the clauses in the Government Resolution. Suffice to say, it was for appointment of teachers or Shikshan Sewaks considering their academic qualification and experience.

5. Grievance of petitioners is, the State Government, by various resolutions, permitted the teachers to register themselves in the system namely 'Pavitra Portal' and also permitted them to update their applications, fulfilling the lacuna, if any. It is submitted by learned counsel for the petitioners that, since they passed TET examination on 01.10.2018, they approached the authority seeking permission to update their applications with this added eligibility criteria of TET examination. However, on the ground that the last date is already over, the petitioners were not permitted to update their applications. It is the submission of learned counsel for the petitioners that for no fault of petitioners, the petitioners may not be subjected to sufferings and prejudice. As such, learned counsel vehemently prays for issuing directions to the State Government to accept updated claims of petitioners as candidates having passed TET examination.

6. In response to notice issued by this Court on 20.01.2019, affidavit-in-reply is filed by the State Government. It would be relevant to refer to paragraphs 3 and 4 of the affidavit-in-reply which clarifies the position, which reads thus :

3. I say and submit that the said Examination of TET held on 15th July, 2018 and the results were declared on 1/10/2018 and prior to that updation of Data in PAVITRA - Portal Data was allowed to be

filled in upto 21/09/2018 of those TET passed candidates. As per Government Resolution dated 23rd June, 2017 an attempt is made to implement transparent procedure for selection and appointment of eligible teachers at all school levels i.e. Schools on no grant in aid - schools receiving grant in aid, schools on partial grant in aid etc. However, the present Petitioners have cleared TET on 1/10/2018.

4. I say and submit that the Petitioners have passed TET after Teachers Aptitude and Intelligence Test (TAIT) Examination. Now the updation on PAVITRA [Portal for Visible To All teacher Recruitment] is not allowed as per letter given by the Under Secretary, Government of Maharashtra dated 20/03/2019. The copy of the letter dt. 20/03/2019 is annexed hereto and marked at Exhibit R-1 for kind perusal of the Hon'ble High Court.

7. Statements made in paragraphs no. 3 and 4 make it clear that the last date to submit updation was 21.09.2018 and the petitioners have cleared TET examination on 01.10.2018 and as such, now it will not be possible for the State Government to permit petitioners to update their claims with qualification of TET. Though learned counsel for the petitioners vehemently submits that the Deputy Director or the superior authority of the State Government be directed to make necessary arrangements so as to facilitate the petitioners to update their applications, we are unable to accept the submission of learned counsel for the simple reason that as the entire exercise undertaken by the State Government is by way of computerised portal system, human intervention is not possible at this stage when the entire exercise was in time bound schedule.

8. Another grievance raised in the petition is that though the authority permitted minor corrections in the applications, the petitioners were not permitted to update their application by added TET qualification. Even this grievance raised by petitioners cannot be treated as arbitrary exercise, as the State authorities only with a view to modify the application on minor details, permitted updation. Passing of TET examination cannot be said as a minor modification. It relates to eligibility criteria and above all, any process initiated must have its concluding final stage. The authority cannot be permitted to change the final dates.

9. Considering above referred facts, in our opinion, there is no merit in the petition and the same deserves to be dismissed. Petition accordingly stands dismissed.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

dyb