

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

WRIT PETITION NO.7790 OF 2019

1. Abhijit Madhavrao Patil
Age : 37 years, Occu : Service,
R/o. 104, Mohan Nagar,
Near Vrundawan Gardan, Jalgaon
 2. Roshani d/o. Milind Kochure
Age : 32 years, Occu : Household,
R/o. C/o. Shri N.D. Ahire
D/19-16, Shivajinagar,
11 VI Cidco Yojana, Garkheda Parisar,
Aurangabad
 3. Shital Mangesh Gurav
Age : 33 years, occu : household,
R/o. C/o. Shri N.D. Ahire,
D/19-16, Shivajinagar,
11 VI Cidco Yojana, Garkheda, Parisar,
Aurangabad
 4. Manisha Amit Gade
Age : 34 years, Occu : Household
R/o. 104, Mohan Nagar,
Near Vrundawan Gardan,
Jalgaon.
- .. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary
School Education
And Sports Department Mantralaya
Mumbai.
2. The State Council of Educational
Research and Training
At Post 708, B.R. Kuntekar Road,
Peru Gate, Sadashiv Peth, Pune.
Through its Secretary.

3. The Commissioner of Education
(Primary / Secondary), Central
Building Pune Station, Pune.
4. The Director of Education
(Primary / Secondary), Central Building
Pune Station, Pune. .. Respondents

...
WITH

WRIT PETITION NO.10388 OF 2019

1. Sumit Gokul Nannavare
Age : 32 years, Occu : Nil,
R/o. Chintaman Morya Nagar
Near Swami Samarth Kendra,
Shri Apartment, Dharangaon,
Dist. Jalgaon
2. Mahendra Vinayak Dhalape
Age : 30 years, Occu : Nil
R/o. C/o. Chintaman Morya Nagar
Near Swami Samarth Kendra,
Shri Apartment, Dharangaon,
Dist. Jalgaon .. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary
School Education
And Sports Department Mantralaya
Mumbai.
2. The State Council of Educational Research and Training,
At post 708, B.R. Kunthekar Road,
Peru Gate, Sadashiv Peth, Pune.
3. The Commissioner of Education (Primary / Secondary),
Central Building Pune Station, Pune.
4. The Director of Education

(Primary / Secondary) Central Building
Pune Station, Pune.

.. Respondents

...
In Both the Matters :

Mr. Abasaheb D. Shinde, Advocate for the Petitioners
Mr. S.B. Yawalkar, AGP for the Respondent Nos.1 to 4

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

**RESERVED ON : 28.09.2022
PRONOUNCED ON : 07.10.2022**

JUDGMENT (*PER* SANDEEP V. MARNE, J.) :

A. THE CHALLENGE:

. By the present petitions filed under the provisions of Article - 226 of the Constitution of India, the petitioners challenge Clause – 7 of Schedule ‘B’ of the Government Resolution dated 25.02.2019 as well as the advertisements issued by the State Government for different districts for appointments on the post of Shikshan Sevak in respect of combined subject of Maths - Science. The petitioners’ grievance essentially is that having completed graduation in Microbiology, Biotechnology, Agriculture Science and Computer Science, they are held eligible to teach Science subject, but are held ineligible to teach either the subject of Mathematics or the combined subject of Mathematics-Science. To this extent, the qualifications prescribed for combined subject of Maths – Science for appointment on the post of Shikshan Sevak are challenged in the

present petitions.

B] **FACTUAL MATRIX** :

2. The petitioners have completed their graduation in following subjects:-

Petitioners in Writ Petition No.7790 of 2019

1.	Abhijit S/o. Madhavrao Patil	-	Biotechnology
2.	Roshani Milind Kochure	-	Microbiology
3.	Shital w/o. Mangesh Gurav	-	Microbiology
4.	Manisha Amit Gade	-	Agricultural Science

Petitioners in Writ Petition No.10388 of 2019

5.	Sumit Gokul Nannavare	-	Computer Science.
6.	Mahendra Vinayak Dhalape	-	Computer Science.

3. The petitioners also hold the qualifications of Bachelour of Education. They have also cleared Teachers Eligibility Test (in short 'TET') as well as Teachers Aptitude and Intelligence Test (in short 'TAIT'). It is their case that both the subjects of Mathematics and Science were covered while acquiring the qualifications of B.Ed. as well as while clearing TET and TAIT.

4. The State Government issued Government Resolution dated 25.02.2019 thereby prescribing qualifications for appointment of teachers for various standards. For the purpose of the present case,

the qualifications prescribed in Schedule 'B' to the Government Resolution dated 25.02.2019 for teachers for standard 1st to 5th in respect of subjects of Maths, Science and combined subject of Maths - Science are relevant. As per the Govt. Resolution, the prescribed qualification is degree in Mathematics / Arithmetic for standalone subject of Mathematics. For standalone subject of Science, the prescribed qualification is degree in Physics / Chemistry / Botany / Zoology/ Life Sciences / Environmental Sciences. For the combined subject of Maths - Science the prescribed qualification is degree in Mathematics / Arithmetic / Physics / Chemistry / Botany/ Zoology / Life Sciences / Environmental Sciences.

5. A corrigendum was issued on 12.06.2019 by which the prescribed qualifications for some of the subjects were revised. For standalone subject of Mathematics, the requisite degree should be in subjects of Mathematics / Arithmetic / Electronics / Computer Science / Information Technology. For standalone subject of Science, the requisite degree should be in the subjects of Physics / Chemistry / Botany / Zoology / Life Sciences / Environmental Science / Microbiology / Biotechnology / Biochemistry / Agriculture Science. So far as the combined subject of Maths-Science, no change is effected in the requisite degree by corrigendum dated 12.06.2019.

6. Thus, as a result of issuance of the Govt. Resolution and Corrigendum dated 25.02.2019 and 12.06.2019, such of the petitioners who are possessing degree in Microbiology, Biotechnology, Biochemistry or Agricultural Science are now eligible to teach standalone subject of Science. The petitioner possessing degree in Computer Science is now eligible to teach standalone subject of Mathematics. However, none of the petitioners are eligible to teach combined subject of Maths - Science. This is precisely the grievance of the petitioners.

DEVELOPMENTS DURING PENDENCY OF THE PETITION:

7. This Court passed order dated 04.11.2019 and made following observations:

‘3. A person who has done graduation only in Maths subject is allowed to teach Maths and Science subject. A person who has done graduation in Physics, Chemistry and Biology is allowed to teach Maths and Science subject but a person who has done graduation in Microbiology, Biotechnology and Agriculture is not allowed to teach Maths subject. The classification does not appear to be based on ineligible differentia.

4. The learned Additional Government Pleader shall take instructions whether the respondents are reconsidering the Government Resolution and the 1corrigendum to that effect.’

8. The State Government placed the above observations

before the State Council of Educational Research and Training (hereinafter referred to as the 'State Council'). The Board of Studies discussed the issue of requisite qualifications for teachers by holding a meeting on 19.11.2019 which comprised of 17 members. The Committee recorded its opinion, which came to be conveyed vide letter dated 30.11.2019. The Committee does not seem to have recommended inclusion of the subjects of Microbiology, Biotechnology, Agriculture, Computer Science etc., for combined subject of Maths – Science. The State Council appears to have made some recommendations in respect of proposed amendments to the provisions of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter referred to as the 'Act of 1977'). It appears that the Committee sought further time to examine some of the issues.

9. As the hearing of the matter progressed, the State Government has placed before this Court letters dated 16.03.2022, 18.07.2022, 15.09.2022 and 27.09.2022. It is not necessary to reproduce / deal with the contents of those letters which were addressed to the Government Pleader to seek further time in the matter. Suffice it to state that the State Government has been contemplating amendments to the Act of 1977 *qua* qualifications for

appointment of teachers. The hearing of the present petitions was adjourned from time to time as proposed amendments in the Act of 1977, could modify the qualifications prescribed for teachers. However, the petitioners opposed further adjournment of hearing and therefore, we proceeded to hear the petitions finally.

SUBMISSIONS:

10. Mr. Aabasaheb Shinde, the learned Counsel appearing for the petitioners would submit that the prescription of qualifications for the combined subject of Maths – Science by the respondents is violative of equality clause enshrined under Article 14 of the Constitution of India. He would submit that it is ironical that the petitioners are held eligible to teach Science subject, but not the combined subject of Maths – Science. He would submit that the candidates who have done their graduation in Maths subject are eligible to teach the combined subject of Maths – Science. Similarly, candidates who have done graduation in Physics, Chemistry and Biology are held eligible to teach combined subject of Maths – Science. If the petitioners can teach the standalone subject of Science, it is incomprehensible as to why they should be held ineligible for teaching combined subject of Maths – Science. He would, therefore, submit that the impugned decision is highly discriminatory and does

not have any nexus with the objects sought to be achieved.

11. Mr. Shinde has taken us through the statement of marks of B.Ed., TET, TAIT to buttress his contention that the said examinations covered the subjects of Maths and Science. Inviting our attention to the order dated 04.11.2019 passed by this Court in the present petition, Mr. Shinde would contend that the State Government refused to correct the error in prescribing qualifications despite strong observations made by this Court.

12. Mr. Shinde would rely upon the provisions of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the 'Right to Education Act') and would submit that after coming into effect of the said Act, every person possessing the minimum qualifications prescribed by the academic authority, notified by the Central Government, becomes eligible for appointment as a teacher. He would submit that the National Council for Teacher Education (hereinafter referred to as the 'NCTE') has been notified as the academic authority by the Government of India. He would therefore rely upon notification dated 29.07.2011 by which NCTE has prescribed minimum qualifications for a person to be eligible for appointment as a teacher. Relying on the notification

dated 29.07.2011, Mr. Shinde would submit that the qualifications prescribed by NCTE do not require graduation in particular subject for appointment as a teacher. He would submit that NCTE alone is entitled to prescribe qualifications and that the State Government cannot prescribe qualifications which are not in tune with the one prescribed by NCTE.

13. Mr. Shinde has also relied upon Rule 6 and Schedule 'B' of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (hereinafter referred to as the 'Rules of 1981') to buttress his contention that NCTE alone is entitled to prescribe qualifications for appointment as a teacher. Mr. Shinde would therefore submit that the petitioner should be permitted to participate in the selection process for combined subject of Maths – Science.

14. Mr. Shinde would rely upon following decisions in support of his contentions:

- (i) **S. Seshachalam & Ors vs. Chairman, Bar Council of Tamil Nadu & Ors**, 2015 AIR (SC) 816
- (ii) Decision of Division Bench of Gujarat High Court in **Prajapati Paresh Govindbhai and Others vs. State of Gujarat** through Principal secretary and Ors, 2011 SCC OnLine GUJ. 6850.
- (iii) Decision of this Court in **Yogesh Popatrao Maid vs. State of**

Maharashtra and Others, 2020 DGLS (Bom) 272

15. Per contra, Mr. Yawalkar, the learned Additional Government Pleader opposes the petition. He would rely upon two affidavits filed by the State Government. He would submit that out of deference to the order passed by this Court on 04.11.2019, the issue of qualifications was placed before committee of experts and that the experts did not recommend that the candidates holding degree in Microbiology, Biotechnology and Agriculture Science etc. should be considered eligible for combined subject of Maths – Science.

16. Mr. Yawalkar would further submit that Section 23 of the Right to Education Act uses the expression ‘minimum qualifications’. He would further submit that the notification dated 29.07.2011 issued by NCTE also prescribes ‘minimum qualifications’ for appointment of teachers. He would submit that the State Government cannot prescribe qualifications which are lower than the minimum qualifications prescribed by NCTE. That there is no bar on prescription of higher qualifications by the State Government than the one prescribed by NCTE. He would therefore submit that the action of the State Government is not in violation of provisions of Section 23 of the Right to Education Act. He would further submit that in pursuance of the provisions under Section 23 of the Right to

Education Act, the State Government has prescribed various qualifications for appointment of teachers in Schedule 'B' of the MEPS Rules adhering to the requirement that none of the qualifications are lower than the minimum qualifications prescribed by the NCTE. He would further submit that the State Government has made the qualifications applicable uniformly to all Zilla Parishads and departments and that there is no discrimination. Lastly, he would submit that selection process is in the last stage of completion and therefore, this Court should be loath in interfering in the same.

17. In support of his contention, Mr. Yawalkar has relied upon the following judgments:

- (i) **The University of Mysore Vs. C.D. Govinda Rao and another**, AIR 1965 SC 491
- (ii) **State of Rajasthan and Others Vs. Lata Arun**, (2002) 6 SCC 252
- (iii) **Zahoor Ahmad Rather and Others Vs. Sheikh Imtiyaz Ahmad and Others**, 2019 (2) SCC 404.

REASONS AND ANALYSIS :

18. Petitioners are questioning the wisdom of the State Government in prescribing qualifications for appointment as a teacher for combined subject of Maths – Science and are insisting that the candidates possessing degree in Biotechnology, Microbiology,

Biochemistry, Agricultural Science and Computer Science, should also be held eligible for being appointed as a teacher for that subject.

19. We would first examine the scope of jurisdiction available for us to interfere in the area of prescription of qualifications for appointment. It is trite that the issue of determining the requisite qualifications for a particular post would clearly fall outside the scope of judicial review. In several decisions it is repeatedly held that prescription of qualifications for a post is required to be left to the experts and that the Court should be loath in interfering in that area. There is no dearth of judgments lying down this principle, we would examine few such decisions.

20. In the **University of Mysore** (*supra*) the Constitution Bench has held as under:

'13. Before we part with these appeals, however, reference must be made to two other matters. In dealing with the case presented before it by the respondent, the High Court has criticised the report made by the Board and has observed that the circumstances disclosed by the report made it difficult for the High Court to treat the recommendations made by the experts with the respect that they generally deserve. We are unable to see the point of criticism of the High Court in such academic matters. Boards of Appointments are nominated by the Universities and when recommendations made by them and the appointments following on them, are challenged before courts, normally the courts should be slow to interfere with the opinions expressed by the experts. There is no

allegation about mala fides against 38-2 S. C. India/64 the experts who constituted the present Board; and so, we think, it would normally be wise and safe for the courts to leave the decisions of academic matters to experts who are more familiar with the problems they face than the courts generally can be. The criticism made by the High Court against the report made by the Board seems to suggest that the High Court thought that the Board was in the position of an executive authority, issuing an executive fiat, or was acting like a quasi-judicial tribunal, deciding disputes referred to it for its decisions. In dealing with complaints made by citizens in regard to appointments made by academic bodies, like the Universities, such an approach would not be reasonable or appropriate. In fact, in issuing the writ, the High Court has made certain observations which show 'that the High Court applied tests 'Which would legitimately be applied in the case of writ of certiorari. In the judgment, it has been observed that the error in this case is undoubtedly a manifest error. That is a consideration which is more germane and relevant in a procedure for a writ of certiorari. What the High Court should have considered is whether the appointment made by the Chancellor had contravened any statutory or binding rule or ordinance, and in doing so, the High Court should have shown due regard to the opinions expressed by the Board & its recommendations on which the Chancellor has acted. In this connection, the High Court has failed to notice one significant fact that when the Board considered the claims of the respective applicants, it examined them very carefully and actually came to the conclusion that none of them deserved to be appointed a Professor. These recommendations made by the Board clearly show that they considered the relevant factors carefully and ultimately came to the conclusion that appellant No. 2 should be recommended for the post of Reader. Therefore, we are satisfied that the criticism made by the High Court against the Board and its deliberations is not justified.'

(emphasis supplied)

21. In **Lata Arun** (*supra*) the Apex Court has held in para - 13 as under:

'13. From the ration of the decisions noted above it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate

authority. it is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority.'

22. In **Zahoor Ahmad Rather** (supra), the Apex Court has held as under:

'23. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The state is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision making. The state as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti KK must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in Jyoti KK turned'

23. Thus it is trite that the matter of determining the qualifications required for a post is to be left to the opinion of experts and falls squarely in the realm of policy, where Courts should not interfere. Keeping the contours of judicial interference in mind, we now proceed to examine the case put forth by the Petitioners.

24. The State Government in its affidavit-in-reply has given the

following justifications for not permitting the candidates possessing degree in Microbiology, Biochemistry, Agricultural Science and Computer Science for appointment as a teacher for combined subject of Maths – Science:-

‘4. I say and submit that, the subject namely Microbiology, Biotechnology & Agriculture are the sub-branches of Botany. The curriculum for classes 6 to 10 consists of a very less part of these subjects and it is expected that the teachers having basic graduation in Microbiology, Biotechnology & Agriculture can teach the science subjects but can not be expected to handle the other part of the combined group i.e. Mathematics. Therefore the candidates with these qualifications are considered eligible for science group as a whole and cannot be considered to teach for subject maths and Science for std. 6 to 10.’

25. As observed hereinabove, after this Court made *prima facie* observations in its order dated 04.11.2019, the State Government referred the matter for opinion of experts. The opinion of experts has been placed on record by the State Government in the form of letter dated 30.11.2019 of State Council. The State Council *inter alia* opined that the objective of the State Government is not to create employment but to enhance the standards of education and to maintain the same. The qualifications for each subject are prescribed keeping in mind that object. The State Council has opined that it is necessary for a teacher to possess education in Maths at a higher level than the one at which he would teach the students. That Maths

subject is not necessary for obtaining degree of science in few subjects and therefore in the curriculum of such degree, the concepts of Mathematics are not incorporated. The State Council has opined that if the candidate himself/herself has not completed in-depth and satisfactory education in Mathematics subject, it would be unjust for the student if he teaches Mathematics subject to them at primary or secondary level. The Council has further opined that out of the three subjects of Mathematics, Science and combined subject of Mathematics – Science, there is a difference in educational qualifications required for the combined subject of Maths – Science and that it is necessary to take into consideration the fundamental subject. That Microbiology, Biotechnology and Agriculture are sub branches of basic subjects of Botany and Zoology. Similarly, IT and Computer Science are branches of Mathematics and basic science of physics. The Council had sought further time to consult other experts.

26. Though the report of the experts nominated by the State Council does not appear to be conclusive in any particular area, it is clear that despite being tasked with modifying the prescribed qualifications for combined subject of Maths-Science, the experts have not recommended inclusion of degrees in the subjects of Biotechnology, Microbiology, Biochemistry, Agricultural Science and

Computer Science for teaching that subject. Rather the observations made by the experts would indicate that they are against inclusion of degrees in those subjects for teaching combined subject of Maths-Science. Following the law laid down by the Apex Court in **University of Mysore** (*supra*), we cannot comment upon or criticize the opinion expressed by the State Council.

27. From the stand taken by the State Government in its affidavit-in-reply as well as the opinion of the experts, it appears that the decision to prescribe particular qualifications for teaching a subject is a well considered decision based on opinion of experts. This Court will not be in a position to decide about correctness of the justification given by the State Government or the opinion of the experts on the exact qualifications required for appointment on combined subject of Maths - Science. The State Government has prescribed the same after consulting the experts and this Court would be loath in interfering with the decision of the State Government in that regard.

28. Mr. Shinde has laid great stress on the qualifications prescribed by NCTE and has strenuously submitted that the State Government cannot prescribe qualifications that are in contravention

of the ones prescribed by the NCTE. Sub-section (1) of Section 23 of the Right to Education Act provides as under:

‘23. Qualifications for appointment and terms and conditions of service of teachers.—(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2)

*Provided that a teacher who, at the commencement of this Act, does not possess **minimum qualifications** as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.*

(3)’

(emphasis supplied)

29. NCTE has been notified by the Central Government as the academic authority under Section 23 of the Right to Education Act. In the notification dated 29.07.2011 issued by the NCTE, again the expression ‘minimum qualification’ is used. Thus, what is required to be prescribed under Section 23 of the Right to Education Act and what has been prescribed by NCTE under notification dated 29.07.2011 are only the ‘minimum qualifications’ for a person to be eligible for appointment as teacher. There is no express bar under the provisions of Right to Education Act for prescription of qualifications higher than the one prescribed by NCTE. Even the notification dated

29.07.2011 does not, in any manner, provide that no authority can prescribe the qualifications higher than the minimum qualifications prescribed by NCTE. Therefore, according to us, the correct interpretation of Section 23 of the Right to Education Act read with the notification dated 29.07.2011 is that there is no bar for the State Government to prescribe qualifications higher than the one prescribed by NCTE. Only where qualifications lower than the minimum qualifications are to be prescribed, relaxation is required to be sought under Sub-section 2 of Section 23 of the Right to Education Act.

30. What is left now is to deal with the judgments relied upon by Mr. Shinde. In **S. Seshachalam** (*supra*) the Apex Court has held that classification cannot be arbitrary, artificial or evasive and that the same must have reasonable relation to the objects sought to be achieved by the legislation. We are respectful by bound by the proposition. However, in the instant case, we do not find that any discrimination is practised by the State Government while prescribing qualifications for the combined subject of Maths – Science. By prescribing qualifications for teachers to teach different subjects based on opinion of experts, we do not find that any classification is made by the State Government, and even if made, such classification is in any manner unreasonable, arbitrary or artificial.

31. In **Prajapati Paresh Govindbhai** (supra) the issue was entirely different. The issue was about entitlement of a degree holder in particular subject to appear for Teacher Eligibility Test in a different subject. The issue was not about eligibility of a candidate possessing degree in one subject to seek appointment to teach an altogether different subject. Therefore, the decision is clearly distinguishable.

32. In the decision of this Court in **Yogesh Popatrao Maid** (supra), Government Resolution dated 07/02/2019 was under challenge, albeit to the extent making it compulsory to complete bridge course of 6 months for appointment as teacher to Class – I to V for candidates possessing B.Ed. qualification. The said condition was challenged *inter alia* on the ground that the same was contrary to the qualifications prescribed by NCTE. Thus, the issue involved in that case was not about the power of the State Government to prescribe qualifications higher than the minimum qualifications prescribed by NCTE. The issue was altogether different. Under the qualifications prescribed by NCTE, a person possessing qualification of B.Ed. is eligible to be appointed as Assistant Teacher for Class I to V with a rider that he/she should undergo six months' bridge course in elementary education recommended by NCTE within two years of such appointment. As against this, the Government Resolution

impugned therein mandated undergoing of such bridge course before appointment. It is in the light of these circumstances that, this court held that the prescription of such a condition by way of Government Resolution was impermissible. The judgment is thus clearly distinguishable and has no application to the present case.

CONCLUSION :

33. We are, therefore, of the considered view that the State Government is entitled to prescribe higher qualifications than the minimum qualifications prescribed by NCTE and also to prescribe qualifications suited to teach particular subjects. The qualifications necessary for appointment of teachers to teach combined subject of Maths – Science is something which can be decided by the State Government alone by acting on opinion of experts in the field and this Court will not be in a position to interfere in the same. Consequently, we do not find any merit in the petition. However, we must observe here that the State government itself is in the process of amending the provisions of Act of 1977, which may bring a change in the qualifications prescribed for teachers teaching various subjects. Such amendments are being effected on the basis of recommendations and opinions of the experts in the subject. We express no opinion on the proposed action. In fact as held by us, prescription of qualifications for appointment on post is in exclusive

domain of the experts and the Courts would be loath to interfere in the same. Solicitation of opinions of experts and proposing amendments based thereon is in fact indicative of the fact that the State Government is trying to iron out the creases, if any, in the qualifications prescribed for subject teachers. This is yet another ground why this Court should not interfere in the matter of correctness of qualifications prescribed for appointment to a post. Consequently, no case is made out for interference by this Court. We, therefore, proceed to pass the following order.

ORDER

- (i) The Writ Petitions are dismissed without any orders as to costs.
- (ii) This Order will however not preclude the State Government from amending the provisions of Act of 1977 or any administrative instructions relating to prescription of qualifications for appointment of teachers based on opinion of experts.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)