

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6456 OF 2017

Mrs. Abhilasha Pawan Sonawane and Ors. ... Petitioners
V/s.

The Education Board Pune Municipal Co-op. And Ors. ... Respondents

WITH
WRIT PETITION NO.7891 OF 2022

Ms. Anita Kishor Hande and Ors. ... Petitioners
V/s.

The Education Board Pune Municipal Co-op. And Ors. ... Respondents

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GOPAL DUSANE

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Mr. S.V. Abhang a/w Mr. S.C. Wakankar for Petitioners.

Mr. N.C. Walimbe, AGP for the Respondent - State.

Mr. Rajdeep Khadapkar for Respondent Nos. 1 to 3.

**CORAM : S.V. GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : 23rd AUGUST 2022

PC. :

1. Learned counsel for the Petitioners submits that the Petitioners herein at the relevant time were working as Montessori Teachers. Considering the length of service, the Education Board passed the Resolution for promoting the Petitioners as Primary Teachers. The said Resolution is passed on 2nd May 2015.

2. Learned counsel submits that it is incumbent upon the Respondents to implement the Resolution. Sanctity is attached to the Resolution. According to the learned counsel as the Petitioners were required to be promoted, the Respondents cannot say that the Petitioners should possess the necessary qualifications of Primary Teacher. The Petitioners could have acquired the necessary qualifications subsequently also.

3. Learned counsel for the Corporation submits that the Primary Education Act is repealed in July 2013. The Education Board in its last term passed the said Resolution, but the said Resolution is not binding on the administration of the Corporation. The Municipal Pre School run by the Corporation possess only two posts i.e. the post of Support Staff and the Teacher. The Teacher working in a Municipal Pre School even if he or she acquires higher qualification cannot be promoted as there is no cadre post available in Balwadi. For an appointment as Primary Teacher, TET qualification is compulsory. The post of a primary Teacher is not a promotional post to a Pre Primary Teacher.

4. We have considered the submissions.

5. For appointment to any post, the basic qualification required has to be complied with. Admittedly on the date, the Resolution was passed, none of the Petitioners were possessing the qualification of TET only the Petitioner No.4 had acquiring qualification of TET that too in December, 2021.

6. The Post of a Primary Teacher cannot be said to be a promotional post of a Balwadi Teacher. If the Petitioners possess all the necessary qualifications, then it is for the Municipal Corporation to take a policy decision in that regard. The Municipal Corporation has not taken any policy decision nor promoted and/or absorbed Balwadi Teachers as Primary Teachers.

7. In the light of above, no case of interference is made out. The Writ Petitions are disposed of. No costs.

(MADHAV J. JAMDAR, J)

(S.V. GANGAPURWALA, J)