

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

WRIT PETITION NO.10436 OF 2023

**SANDIP YASHWANT MAGARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

**WITH
WRIT PETITION NO. 10449 OF 2023**

**PRAVIN DINKAR GANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. S. S. Gangakhedkar, Advocate for Petitioners
Mr. A. V. Deshmukh, AGP for Respondent No.1
Mr. S. R. Dheple, Advocate a/w Mr. Ajit Savagave, Advocate for
Respondent No.2 in WP/10436/2023
Mr. Vikas Kulsange, Advocate for Respondent No.2 in
WP/10449/2023

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 25.09.2023

PER COURT :-

1. On 24.08.2023, we had passed the following order:-

*“1. On 22.08.2023, we had passed the following
order:-*

*“1. We have considered the submissions of the
learned Advocate for the Petitioners. He has*

served both the Zilla Parishads, Palghar and Yawatmal, through their Chief Executive Officers vide their E-mail addresses mentioned in title clause. No appearance is entered. Since the learned Advocate for the Petitioners has expressed grave urgency, these matters are heard at 6.30 p.m.

- 2. We are listing both these matters out of exceptional urgency, at 10.30 a.m. on 24/08/2023. We are requesting the learned A.G.P. representing Respondent No.1, to ensure that the Chief Executive Officers of the two Zilla Parishads are informed about the hearing of these matters on 24/08/2023.*
- 3. Stand over to 24/08/2023 at 10.30 a.m.”*

2. Issue notice to the Respondents. The learned AGP waives service of notice on behalf of Respondent No.1 in both the petitions. The learned Advocates Shri Dheple and Shri Kasalge, waive service of notice on behalf of Respondent No.2/Zilla Parishad in Writ Petition Nos.10436/2023 and 10449/2023, respectively.

3. The Petitioners are identically placed. All of them have applied for the post of Extension Officer (Education) in pursuance to the advertisement No.1/2023 dated 05.08.2023.

4. During the pendency of these petitions, an operational glitch in the software of the agency conducting the recruitment process, is said to have been cured and the applications of the Petitioners have been accepted.

5. The issue is as regards the eligibility of the “in service candidates”, who can apply for the post of Extension Officer

(Education) falling in category-3 Class-II. For the sake of brevity, we are reproducing the eligibility condition at clause 23 as under:-

अ.क्र.	पदाचे नाव	शैक्षणिक अर्हता व अनुभव
23	विस्तार अधिकारी (शिक्षण) (वर्ग श्रेणी 2)	कोणत्याही मान्यताप्राप्त विद्यापीठाची बी.ए./बी.कॉम./ बी.एस.सी. ही पदवी किमान ५०% गुणांसह उत्तीर्ण केली असेल आणि ज्यांनी कोणत्याही मान्यताप्राप्त विद्यापीठाची बी.एड. अथवा समकक्ष पदवी किमान ५०% गुणांसह उत्तीर्ण केली असेल आणि ज्यांना मान्यताप्राप्त प्राथमिक / माध्यमिक, उच्च माध्यमिक विद्यालय, अध्यापक विद्यालयातील शासनमान्य पदावरील सक्षम प्राधिकाऱ्याने वैयक्तिक मान्यता दिलेला किमान तीन वर्षांचा अध्यापनाचा किंवा प्रशासनाचा अनुभव आहे, असे उमेदवार.

6. The Petitioners admittedly, have more than three years of teaching experience. Admittedly, they are working in the institutions which are recognized. Admittedly, they have been granted approvals as teachers.

7. The contention of the Zilla Parishads before us is that these Petitioners do not have teaching experience of three years, post acquiring the B.Ed. qualification. The learned Advocates rely upon the notification dated 10.06.2014, more specifically, the following provisions as regards the required qualifications of the candidates :-

“(दोन) ज्यांनी कोणत्याही मान्यताप्राप्त विद्यापीठाची बी.ए./बी.कॉम./ बी.एस.सी. ही पदवी किमान ५०% गुणांसह उत्तीर्ण केली असेल, आणि

(तीन) ज्यांनी कोणत्याही मान्यताप्राप्त विद्यापीठाची बी.एड. अथवा समकक्ष पदवी किमान ५०% गुणांसह उत्तीर्ण केली असेल, आणि

(चार) ज्यांना मान्यताप्राप्त प्राथमिक/ माध्यमिक, उच्च माध्यमिक विद्यालय, अध्यापक विद्यालयातील शासनमान्य पदावरील सक्षम प्राधिकाऱ्याने वैयक्तिक मान्यता दिलेला किमान तीन वर्षांच्या अध्यापनाचा किंवा प्रशासनाचा अनुभव आहे.

(तीन) ज्यांनी एकतर, जिल्हा परिषद, नगरपरिषद, नगरपालिकेमध्ये शिक्षक पदावर किमान ३ वर्षांपेक्षा कमी नसेल इतकी अखंड सेवा पूर्ण केलेली असेल.”

8. The contention of the learned Advocates for the Zilla Parishads, therefore, is that unless the Petitioners acquire three years teaching experience post qualifying the B.Ed., any length of teaching experience garnered prior to acquiring the B.Ed. degree, is insignificant.

9. Prima facie, we are unable to be persuaded by the learned Advocates for the simple reason that there is no condition in the notification dated 10.06.2014 or in the advertisement, which mandates three years teaching experience after acquiring the B.Ed. degree. In fact, the reproduced portion in the notification indicates that the candidates must have 50% marks at the graduation level as well as at B.Ed. degree level. This would not bother the Petitioners as they have the said percentage.

10. Insofar as the experience is concerned, clause 1A(4) reproduced above, requires that the candidates must have teaching

experience of at least three years in any approved school and their services must have been approved by the competent authority. It is undisputed that a teacher can be approved even on the basis of the D.Ed. qualification. It is only after acquiring the B.Ed. qualification, that a teacher would be entitled for a particular pay scale that is available for the Assistant Teacher. The above reproduced Clause 1A(4) would only prescribe the requirement of three years experience as an approved teacher and the Petitioners are approved teachers.

11. In view of the above, by way of interim relief, we are directing the Respondents to permit the Petitioners to participate in the selection process for the post of Extension Officer (Education). Needless to state, participation of the Petitioners in the selection process would be subject to the final result of these petitions.

12. The Zilla Parishads are at liberty to file their affidavits in reply within four weeks.

13. List these petitions on 25.09.2023 in the passing orders category.”

2. Today we are informed by the learned Advocates for the Zilla Parishads, that the applications of the Petitioners have been provisionally accepted and would be processed as per the applicable procedure. Further steps in accordance with the policy would be taken.

3. Since we have taken a view in the above reproduced order, **both these petitions are disposed off** in the light of our conclusion.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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