

Pdp

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 52 OF 2022

Aqueel Khaleel Mujawar

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Hanif Shaikh for petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w Mrs. N. M. Mehra, AGP for respondent os.1 and 3/State.

Mr. Deepak More a/w Mr. Shivram Gawade for respondent no.2.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: APRIL 26, 2023

P.C.:

- 1.** We have heard the learned counsel for the petitioner and the respondent no.2/Municipal Corporation.
- 2.** The grievance of the petitioner appears to be the deficiencies existing in non-filling of the posts of teaching and non-teaching staff, non-maintaining the Pavitra Portal for Urdu medium teachers. The basic facilities of the benches not being provided with. Reliance is placed by the learned counsel on the various affidavits filed from time to time to contend that there are 55 vacancies of the teaching staff and also non-availability of the basic facilities. It is also further submitted that the class-rooms are also not available. In Jadav Wadi School 300 students are being taught in one class-room.

3. The contention of the learned counsel for the respondent is that the staff has been filled in every school. As far as Jadav Wadi School is concerned, the school would shift in the new building on 1st June, 2023. It is submitted that the required facilities of benches have been provided to the students. The teaching and non-teaching staff has been filled in as admissible and sanctioned. The class-rooms exist for all the students.

4. The primary education is now held to be fundamental right of the children aged between 5 to 14 years. As primary education has been brought within the contour of fundamental right, it is the duty of the State and its instrumentalities to provide for the education with all attending facilities and requirements. Education Officer is the supervisory head. He has to see that all the necessary facilities are provided with. The recruitment is being done as per the roster. The roster will have to be followed.

5. One of the grievances is that Pavitra Portal is not being maintained in respect of Urdu medium teachers.

6. It is made clear that if Pavitra Portal is not being maintained for Urdu medium teachers, the same shall be maintained. Immediate action shall be taken in respect of the same and the Pavitra Portal shall be made operational for Urdu medium teachers also within a short time.

7. The Education Officer is expected to verify that appointments are being made about teaching and non-teaching staff as per roster and as per the sanctioned posts. The duty is cast upon the Education Officer. If required number of posts are not being filled, then necessary directions shall be issued by the Education Officer to the Municipal

Corporation. The Municipal Corporation shall provide for all the basic facilities, as such benches, class-rooms, adequate teachers and the non-teaching staff. In case there are some vacancies, the Corporation shall take steps to fill the same as per the sanctioned posts.

8. With the aforesaid observations and directions, the PIL petition stands disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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DASHARATH
PANDIT
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