



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 62 OF 2023

Babasaheb Haribhau Kharat and Others ...Petitioners

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. G. K. Kshirsagar, Advocate for the Petitioners.

Mr. A. B. Girase, GP, for the Respondents – State.

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CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : FEBRUARY 23, 2024

ORDER (PER R. M. JOSHI, J)

1. Petitioners by this Public Interest Litigation (PIL) are trying to draw attention of the Court to the issue of Respondents appointing teachers on deputation for non-teaching work in various offices, thereby defeating the objective of Right of Children to Free and Compulsory Education Act, 2009 (for short 'Act of 2009').

2. We have heard learned Counsel for Petitioner and learned GP at length.

3. Petitioners are the office bearers of Baliraja Foundation, a charitable trust registered under the

Maharashtra Public Trust Act. It is claimed by the Petitioners that under the Act of 2009 a pupil teacher ratio is required to be maintained mandatorily and hence, there is prohibition for engaging teachers in any non-teaching work. Petitioners claim that after thorough research, present PIL has been filed. Petitioners have relied upon the correspondence made by the Petitioners as well as various outfits of political parties with Z.P. Jalna relating to the issue. It is claimed that 9 teachers are performing non-teaching work. It is claimed that the said act of appointment of these teachers for said work is contrary to the Government Resolution dated 18.06.2010 and spirit of Act of 2009.

4. Learned Counsel for the Petitioners submits that the issue sought to be raised is of utmost importance with regard to the children who have right to get compulsory education guaranteed under the Act of 2009. In order to achieve the said objection of the Act, it is absolutely necessary that the teachers-student ratio is maintained at any cost and in such circumstances, it would not be open to appoint teachers

for non-teaching work of any nature. It is further claimed that as per the Government Resolution dated 18.06.2010 except for the census, emergency services, election duty, no other work could be allotted to the teachers. In the circumstances, directions are sought to call back teachers from various departments of Government and ask them to join their respective schools with further direction not to send any teacher on deputation henceforth.

5. Needless to say that PIL Petition cannot be filed casually. It is obligation of PIL Petitioners to carryout indepth research and conduct detailed study of the problem/issue sought to be put-forth before the Court in order to take cognizance thereof. Though Petitioners have claimed in the Petition about having undertaken such research, perusal of the Petition indicates lack of even basic information. Since it is the contention of the Petitioners that appointment of the teachers for non-teaching work affects the teachers student ratio, some material was expected to be placed on record. There however is no material to that effect on record nor even it is claimed

specifically as to in which school such ratio could not be maintained on account of appointment of 9 teachers as Taluka Coordinators in the office of Z.P. Jalna. Except relying upon correspondence exchanged by the political outfits with Z. P. Jalna, no pains are taken to go to the root of the cause, nor information is attempted to have been sought from concerned authorities.

6. On the other hand, from perusal of the documents on record, more particularly, report of the Education Officer addressed to C.E.O., Z. P., Jalna dated 10.01.2022 it is clear that from April, 2019 a software Cash Management Product (CMP) was implemented for the purpose of payment of salary of teachers and in that connection initially about 106 teachers were involved in the said process. The report further indicates that since in the offices of Z.P, in the Talukas do not have sanctioned posts, to perform the work of implementation of CMP process, nor employees of Education Department of Z.P. have competency to handle the technical issues involved in the said system. Hence, it was proposed that services of

teachers as Taluka Coordinators should be continued. There is no material on record to discard this report.

7. The said report indicates that initially 106 teachers were involved therein and with passage of time and coordination, now 9 teachers are working as Taluka Coordinators on the work of CMP system. Online system for payment of salary of all the teachers have been introduced in April, 2019 and hence, while interpreting G.R. dated 18.06.2010, this new technological development cannot be ignored. It needs to be recorded that the system introduced for the payment of salary of teachers is required to be run effectively to ensure that the teachers are paid salary in time, otherwise the same would certainly affect their performance, which eventually would adversely affect the pupils and their rights under the Act of 2009.

8. In order to interfere in any decision, its rationality and *bona fides* are required to be taken into consideration. Neither any *mala fides* are attributed to the appointment of Taluka Coordinators nor we find this action to be lacking *bona fides*. Thus, on the basis of material on record it cannot be said

that the appointment of 9 teachers as Taluka Coordinators is unjustified. More particularly, when there is absolutely no material placed on record in order to indicate that on account of said appointments the teacher-pupil ratio has been affected adversely in any matter.

9. In the result, we find no reason to entertain the present Petition. Hence, **Public Interest Litigation stands dismissed.**

(R. M. JOSHI, J)

(RAVINDRA V. GHUGE, J)

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