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

921 PUBLIC INTEREST LITIGATION NO. 26 OF 2024

LALCHAND AVACHIT PATIL

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS**

...

Shri Ajay S. Deshpande, Advocate for the Petitioner.

Shri P.K. Lakhotiya, AGP for Respondent Nos.1 to 4/State.

Shri A.C. Shisodiya, Advocate i/by Shri S.W. Munde, Advocate
for Respondent No.5.

...

CORAM : RAVINDRA V. GHUGE

&

R.M. JOSHI, JJ.

DATE :- 21st March, 2024

Per Court :-

1. We have heard this matter for quite sometime and perused the prayers as well as the material available in the petition paper book, with the assistance of the learned Advocate for the Petitioner and the learned AGP.

2. The Petitioner is a 71 years senior citizen, who is a retired Principal of the College. We have perused the report of the learned Registrar (Judicial) dated 20.02.2024, which indicates that the cause taken up in this petition is in public interest. We

have also perused the report of the Section Officer from the Writ Branch which states that the Petitioner has complied with Rules 5 and 7 of the Bombay High Court Public Interest Litigation Rules, 2010.

3. The learned Advocate for the Petitioner has strenuously canvassed that PIL No.8/2015 (***Court on its own motion vs. The State of Maharashtra and others***) before this Court at the Nagpur Bench, led to the judgment dated 24.06.2015 for framing the Pravitra Portal Recruitment Policy. He also reminds us of several cases which came upto the High Court, wherein, advertisements for filling in the posts are published in practically unknown newspapers or in such newspapers, which have hardly any circulation. Based on such advertisements, selection of candidates is carried out and with electric speed, appointments are made to the posts of teachers in schools and colleges.

4. We are aware of the recruitment of teachers without taking previous sanction of the Education Officer, without seeking permission to advertise, without absorbing surplus teachers etc.. All these examples indicate the manner in which

the selection process is becoming valueless in certain fields. The Petitioner has pointed out the newspaper report, wherein, it is stated as to how private educational institutions and Trusts purportedly make a business out of the selection of teachers and their appointments.

5. The learned Advocate for the Petitioner also points out that there has been a declaration by the Government of Maharashtra that the approval of the Finance Department has been received for recruitment of 1,500 teachers in Colleges. The Petitioner, being a retired Principal, prays for indulgence of this Court in looking into the cause put forth for the purpose of evolving a mechanism for selection and appointment of teachers in aided institutions, which are operated by private managements/ NGOs, and to aim at a merit based selection method with utmost transparency.

6. In view of the above, **issue notice** to Respondent Nos.1 to 5, returnable on 17.04.2024. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 4. The learned Advocate Shri Munde waives service of notice on behalf of Respondent No.5.

7. For the present, we are not issuing notice to the learned Advocate General of the State of Maharashtra considering that the learned Advocate General is always available for consultation to the Government and for assistance to the Court. If required, we would surely be requesting the learned Advocate General to assist us.

8. Since the Government has announced that very soon the recruitment of 1,500 professors/ teachers would commence, we would expect that in such selection and appointment of teachers/ professors, the law applicable shall be strictly and scrupulously followed and advertisements for recruitment to such posts shall be published in largely circulated newspapers in the State, in vernacular as well as in English language. We would also expect the Government of Maharashtra to have a look at the pattern of merit calculation as is prescribed by the University Grants Commission Regulations of 2018 (18.07.2018), which have been accepted and implemented by the State of Gujarat and which are being followed by the Commissionerate of Higher Education, State of Gujarat, for the purposes of centralized

recruitment of Adhyapak Sahayak, 2020.

9. Considering the important issue raised in this petition, we expect the State to file it's affidavit in reply at least one week prior to the returnable date in the matter.

kps

(**R.M. JOSHI, J.)**

(**RAVINDRA V. GHUGE, J.)**