



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3376 OF 2025

Madhav Udhavrao Thore
Age : 38 years, Occu : Teacher
R/o : Devanandra, Pathari,
Parbhani and others

.. Petitioners

Versus

The State of Maharashtra
Through Principal Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 400 032 and others

.. Respondents

...
Advocate for the petitioners : Mr. Harish Adwant h/f. Mr. S.V. Adwant
AGP for the respondents no. 1 to 9 : Mr. V.M. Kagne
...

**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : 16 JULY 2025

ORDER (MANISH PITALE, J.) :

The petitioners herein appeared for the Teacher Aptitude and Intelligence Test - 2022 (**TAIT 2022**). The petitioners rely upon their scores in the said test for seeking a direction to consider them for vacant posts for special teachers for the subjects of Arts and Crafts in the forthcoming rounds of the recruitment process. Additionally, the petitioners challenge the Government Resolution dated 15.03.2024 to

the extent of item no. 5 pertaining to approval for posts of special teachers in secondary schools, as being arbitrary and unsustainable.

2. The documents on record show that in pursuance of the advertisement dated 31.01.2023, issued by the respondent - Maharashtra State Council of Examination, the petitioners applied for and appeared in the aforesaid TAIT 2022 examination. It is the grievance of the petitioners that they were not being considered for appointment in the category of special teachers for Arts and Crafts on the basis of their scores in the said examination, which was arbitrary and unsustainable.

3. Learned counsel for the petitioners relied upon paragraph 2 of the said advertisement dated 31.01.2023 in the context of further vacancies and submitted that since the form for TAIT 2022 in the drop-down menu for educational qualification provided for the option of ATD (Arts Teachers qualification), the forms of the petitioners for the said TAIT 2022 were duly accepted and they had appeared in the same, scoring marks that would make them eligible for appointment in the category of special teachers pertaining to Arts and Crafts. It was submitted that although Government Resolution dated 15.03.2024 was issued after the TAIT 2022 had been conducted in pursuance of advertisement dated 31.01.2023, giving staffing pattern and vacancies

for teachers in the said categories and in the Arts and Crafts, the scores of the petitioners in the TAIT 2022 ought to have been considered and they should have been granted appointments in the vacancies.

4. Specific attention of this Court was invited to order dated 25.03.2025, wherein this Court having considered the subsequent developments regarding issuance of the Government Resolution dated 15.03.2024, had directed that if the petitioners were otherwise eligible for Art Teachers, having cleared TAIT - 2022, the management desirous of undertaking recruitment for the post of Art Teachers could engage the petitioners and similarly placed candidates. It was vehemently submitted that despite the aforesaid directions, the respondent - state authorities did not take any action in pursuance thereof and instead, conducted TAIT 2025. It was submitted that in such circumstances, the prayer made in the present petition on the basis of scores of the petitioners in TAIT 2022 ought to be granted.

5. It was additionally submitted that the number of vacancies declared in the staffing pattern as per the Government Resolution dated 15.03.2024 for Arts and Crafts category teachers was arbitrarily fixed and the internal classification was inherently arbitrary and discriminatory, thereby indicating that at least to the said extent of item

5 of the Government Resolution dated 15.03.2024, the same deserves to be quashed and set aside. It was submitted that the respondents had failed to justify their actions in the reply affidavit placed on record.

6. On the other hand, Mr. Kagne, learned AGP submits that no relief can be granted in the present petition simply for the reason that when advertisement dated 31.01.2023 was issued, there was no staffing pattern for Arts and Crafts teachers and no vacancies could have been filled. Much emphasis was placed on paragraph 5 of the advertisement dated 31.01.2023, to submit that that the petitioners were not even qualified to fill the form of TAIT 2022. It was submitted that if the interpretation sought to be given on behalf of the petitioners, on the advertisement dated 31.01.2023, was to be accepted, a large number of similarly situated candidates could not have applied in pursuance of the advertisement dated 31.01.2023, but they were deprived of the opportunity to appear for the TAIT 2022 examination.

7. It was further submitted that TAIT 2025 has been conducted in which petitioners had already appeared and they could very well compete for vacancies identified as per the staffing pattern under Government Resolution dated 15.03.2024. It was further submitted that the argument regarding arbitrariness and discrimination in the internal classification of posts in the special category, has no

merit as the vacancies have been identified on the basis of student strength and that is what has been exactly stated in the reply affidavit. In the circumstances, it was submitted that petition deserves to be dismissed.

8. Having heard learned counsel for the parties, this Court is of the opinion that the relevant paragraph and the advertisement dated 31.01.2023 needs to be appreciated and interpreted. Paragraph 2 of the advertisement dated 31.01.2023 for TAIT 2022 shows that further vacancies would be specified on the Pavitra Portal. Paragraph 5 of the advertisement, particularly 5.3 thereof, sets out the required qualifications as per the Government Resolution dated 07.02.2019, 25.02.2019, 16.05.2019 and 12.06.2019. It is an admitted position that none of these Government Resolutions pertain to qualifications concerning Arts and Crafts teachers. Paragraph 5.3, upon referring to the said Government Resolution, specifies that only those candidates who satisfy the said qualification would be eligible for taking TAIT 2022 examination. Since the qualification for Arts and Crafts teachers was not even included in paragraph 5.3 of the advertisement dated 31.01.2023, there was no question of the petitioners being eligible for taking the said examination. Merely because, the form made available by the respondent - Maharashtra State Council of Examination in the

drop-down menu referred to ATD, the same could not be the basis to claim eligibility for taking TAIT 2022 examination.

9. Even otherwise, it is an admitted position that when TAIT 2022 was conducted, there was no staffing pattern laid down by the respondent - State authorities and no vacancies for Arts and Crafts teachers were specified. It was much later, by issuing Government Resolution dated 15.03.2024, that such staffing pattern was specifically identified, thereby indicating that when TAIT 2022 was conducted, there were no vacancies of Arts and Crafts teachers specifically identified for being filled. This Court does not find any substance in the contention raised on behalf of the petitioners that they ought to be granted appointments to vacancies as per staffing pattern specified in Government Resolution dated 15.03.2024.

10. The petitioners cannot claim any right on the basis of the direction issued in the order dated 25.03.2024, for the reason that this Court merely observed that if the petitioners were otherwise eligible for recruitment as Arts Teachers, having cleared TAIT 2022, the management desirous of undertaking recruitment, could engage the petitioners and similarly placed candidates. This observation does not vest any right in the petitioners, which they are otherwise

independently expected to justify on the basis of the pleadings and material on record.

11. We find substance in the contention raised by the learned AGP to the effect that if the argument of the petitioners in the context of TAIT 2022, is to be accepted then similarly situated and qualified candidates, who did not apply for TAIT 2022 in pursuance of the advertisement dated 31.01.2023, for the reason that even staffing pattern and vacancies for Arts and Crafts Teachers had not been identified, would stand to lose. Therefore, we find no substance in the insistence on the part of the petitioners that their TAIT 2022 scores ought to be considered while filling vacancies that were identified for the first time by Government Resolution dated 15.03.2024.

12. It is relevant to note that in the advertisement dated 25.04.2025 issued by the respondent - Maharashtra State Council of Examination for TAIT 2025, in paragraph 5.3 there is a specific mention of Government Resolution dated 15.03.2024. It has been specifically stated that vacancies of special category of teachers as identified in the Government Resolution dated 15.03.2024 shall also be filled in pursuance of TAIT 2025. This is a clear distinction between TAIT 2022 and TAIT 2025, thereby further demonstrating the fallacy in the contentions raised on behalf of the petitioners.

13. It is an admitted position that TAIT 2025 has already been conducted and that the petitioners had appeared for the same. The scores in TAIT 2025 can very well be relied upon by the petitioners, to press for appointments on vacancies and staffing pattern so identified under Government Resolution dated 15.03.2024 on the basis of merit.

14. As regards the contention raised on behalf of the petitioners with regard to arbitrariness and discrimination in the internal classification of vacancies pertaining to various categories amongst the special category teachers, we find that Government Resolution dated 15.03.2024 itself refers to basis of the classification. The contents of the Government Resolution, read with reply affidavit filed on behalf of the respondent - State authorities, show that the number of students has been used as basis for identifying number of vacancies in various subjects under the special category of teachers. It is on this basis that the number of vacancies and staffing patterns have been identified for special teachers including Arts and Crafts teachers.

15. We are unable to agree with the petitioners that there is arbitrariness or discrimination in identifying such number of vacancies for different subjects under the different categories of teachers. The petitioners have not been able to make good their contention that the Government Resolution dated 15.03.2024 deserves to be quashed

to the extent of item no. 5 on the ground that the number of vacancies for different subjects of the special category of teachers have been identified in a discriminatory or arbitrary manner.

16. Hence, we find no substance in the present petition and accordingly, the petition is dismissed.

17. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/