



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10302 OF 2025

- 1) Balaji S/o Dinkar Mhaske,
Age-33 yeas, Occu:Nil,
- 2) Samadhan S/o Anna Mhaske,
Age-33 years, Occu:Nil,
- 3) Gita Rajendra Mhaske,
Age-33 years, Occu:Nil,

All R/o-Savargaon Mhaske,
Tq-Jafrabad, District-Jalna.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai-400 032,
- 2) The Maharashtra Prathamik Shikshan
Parishad (Government of Maharashtra
Undertaking), Through its Project
Director, Jawahar Bal Bhavan, Netaji
Subhash Marg, Churni Road,
Mumbai-400 004,
- 3) The Chief Executive Officer,
Zilla Parishad, Jalna,
Taluka and District-Jalna,
- 4) The Education Officer (Primary),
Zilla Parishad, Jalna,
Taluka and District-Jalna,

- 5) The Block Education Officer,
Panchayat Samiti, Jafrabad,
Taluka-Jafrabad, District-Jalna,
- 6) Zilla Parishad Higher Primary
School, Savargaon Mhaske,
Cluster Kumbharzari,
Taluka-Jafrabad, District-Jalna,
Through its Headmaster as Secretary,
School Management Committee.

...RESPONDENTS

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Mr. Arvind G. Ambetkar Advocate for Petitioners.
Mr. S.K. Tambe, A.G.P. for Respondent Nos. 1 and 2.
Mr. V.P. Narwade Advocate for Respondent Nos. 3 to 6.

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**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 6th NOVEMBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Heard both sides.
2. Present Petition has been mainly filed to direct the respondents to continue to give work to the petitioners with Zilla Parishad Higher Primary School, Sawargaon Mhaske, Taluka-Jafrabad, District-Jalna as per orders dated 2nd April 2024 and 8th May 2024 passed in Writ Petition No. 8786 of 2021 with connected Petitions filed at the Principal Seat of this Court and Government Resolutions dated 14th October 2024 and 5th June 2025.

3. In Writ Petition No. 8786 of 2021 after considering the policy and the Government Resolutions, an interim order came to be passed on 8th May 2024. The State Government was directed to continue the petitioners therein in the school where they were initially appointed after examining that the strength of the students is above 100. The Government Resolution also contemplates that the strength of the students should be 100 or above for the appointment as guest/part-time instructors as craft/work education instructor, sport and health instructor and art instructors in the primary schools run by Zilla Parishads.

4. Affidavit in reply has been filed on behalf of respondent Nos. 3 to 6 by Mr. Satish Shinde, the Block Education Officer, Panchayat Samiti, Jafrabad, giving the data in respect of the school where the petitioners were earlier appointed. He stated that now in respondent No.6 school, the strength of the students is below 100. According to respondent Nos. 3 to 6, the guest instructors are not entitled to salary/honorarium as per appointment order clause No.6.

5. The copy of the appointment order has been produced on record, which is dated 22nd July 2017, in which there is a specific

stipulation that the petitioner should agree to the terms of Government Resolution dated 4th June 2016 and 7th October 2015, if the strength of the students gets fluctuated below the mandatory 100 figure. Now, when the strength of the students has gone down i.e. 98, which is below 100, then as per the Government Resolution and their own appointment orders, the petitioners cannot seek continuation as of right.

6. Learned Advocate for the petitioners then prays that in case of increase in the number of students, then respondent Nos.3 to 6 should consider the petitioners and that kind of relief can be granted to the petitioners.

7. The relief cannot be granted in anticipation of a situation. If at all the strength of the students gets increased, then the petitioners would be at liberty.

8. In view of this fact situation, we are not inclined to grant any relief to the petitioners. The Writ Petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE