



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10349 OF 2025

Kiran Marotrao Waghmare
VERSUS
The State Of Maharashtra And Others

...

- Mr. T. M. Venjane, Advocate for the Petitioner
- Mr. A. R. Nikam, Advocate for Respondent No. 2
- Mr. V. M. Kagne, AGP for Respondents-State

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

DATED : OCTOBER 08, 2025

ORDER : (Per HITEN S. VENEGAVKAR, J.)

1. The present petition is filed under Article 226 of the Constitution of India, thereby seeking directions to the respondents to consider the petitioner for appointment to the post of Assistant Teacher for the subjects of History and Social Science in the respondent No. 6 – College, which is run and managed by respondent No. 5 – Management. The petitioner has further challenged the communication dated 30.07.2025, issued by the Secretary, Scrutiny Committee (Higher Secondary), office of Deputy Director of Education, Latur Division, Latur, whereby the petitioner was held

ineligible for the said appointment as per the Government Resolution dated 07.02.2019.

2. The petitioner states that he possesses a Bachelor's degree in Arts and holds Master's degrees in Public Administration, History, and Social Work (M.S.W.). He further holds degrees in Library and Information Science at both graduate and post-graduate levels.

3. It is the case of the petitioner that Maharashtra State Examination Council issued an advertisement dated 31.01.2023, inviting applications for the post of teacher (TAIT). The petitioner applied under the Scheduled Caste category and have secured 90 marks in the said examination. In the second phase of the said examination, the petitioner submitted his self-certification on 18.03.2025, thereby furnishing complete details regarding his qualifications and experiences. Based on the same, the Commissioner of Education, Pune, recommended the petitioner for appointment to the post of Assistant Teacher, in respondent No. 6 – College for the subjects of History and Social Science. Pursuant thereto, respondent No. 5 – Management issued a letter dated 30.06.2025, calling the petitioner for an interview and written examination. The petitioner was thereafter selected and was issued an appointment order dated 25.07.2025, as Assistant Teacher in History and Social Science.

4. Subsequently, respondent No. 4, who is the Secretary of the Scrutiny Committee, on verifying the documents pertaining to education of the petitioner, came to a conclusion that the petitioner is not duly qualified for teaching subjects like History and Social Science, in terms of the Government Resolution dated 07.02.2019. He, therefore, issued a communication dated 30.07.2025, thereby disqualifying the petitioner and cancelling his appointment as Assistant Teacher in respondent No. 6 - College. Thereafter, the petitioner made a representation to the Commissioner of Education, Pune, requesting reconsideration of his appointment and according to the petitioner, the said representation remains to be undecided.

5. The learned advocate for the petitioner argued that as per the Government Resolution dated 07.02.2019, the qualification prescribed under 'Schedule – D' for appointment of Assistant Teachers for standard XI and XII include a Master's degree either in History or Social Science, along with the requisite training qualification. He also argued that the petitioner possesses M.A. in History and a Master's degree in Social Work (M.S.W.), which according to him, fulfills the qualification criteria for the subject of Social Science, which includes Social Work within its broader ambit. The learned advocate for the petitioner further relied upon the Government Resolution dated

01.12.2005, which permits teachers to acquire post-graduate qualifications within 3 to 4 years of appointment. It was contended that M.S.W. is an equivalent or allied degree to an M.A. in Social Science, and therefore, the disqualification by respondent No. 4 is unsustainable. The learned advocate for the petitioner prayed that the communication dated 30.07.2025, be quashed and the petitioner's appointment as Assistant Teacher in respondent No. 6 – College may kindly be confirmed.

6. The learned Assistant Government Pleader opposed the petition. He submitted that the advertisement and the Government Resolution dated 07.02.2019 clearly requires a candidate to possess a Master's degree in both History and Social Science subjects. He further argued that though the petitioner possesses M.A. in History, his degree of Master's of Social Work (M.S.W.) cannot be treated as equivalent to Master's in Social Science. He also argued that Social Science as a subject includes disciplines like Sociology, Political Science, Economics, Geography, Psychology and Anthropology but not Social Work, which is a professional and applied field distinct from the academic domain of Social Science. Therefore, the decision of respondent No. 4 is in consonance with the prescribed qualification norms.

7. We have carefully considered the rival submissions and perused the material on record, including the Government Resolutions dated 07.02.2019, 01.12.2005, as well as the educational certificates annexed to the present petition. It is not in dispute that the petitioner holds M.A. degree in History and also degree in M.S.W.. It is further not disputed that the post in question was advertised for the subjects of History and Social Science. The central issue that arises for determination is whether the degree of Master of Social Work (M.S.W.) can be considered equivalent to Master's in Social Science for the purpose of eligibility as an Assistant Teacher in the subject of History/Social Science.

8. The Government Resolution dated 07.02.2019, more particularly 'Schedule – D', prescribes that teachers appointed for teaching History and Social Science at the higher secondary level must possess a Master's degree in the concerned subjects. The schedule does not provide any clause permitting "either/or" qualifications, nor does it recognize Social Work as an equivalent subject. The subject of Social Work is primarily a professional and applied discipline focusing on social welfare casework, community organization and field intervention, with a curriculum that emphasizes practical engagement and human service delivery. On the contrary, the term social science encompasses a range of theoretical

and academic disciplines like Sociology, Political Science, Economics, Anthropology and Geography, which deals with the study of humans, society, institutions and behavior at a conceptual and researched based level. The University Grants Commission (UGC) and various Universities in India treats Social Work as an allied but distinct subject/stream. While it draws upon the theories of Sociology and Psychology, it remains categorized separately under professional studies. No material has been placed on record by the petitioner to demonstrate that the curriculum of M.S.W. degree is identical to or substantially similar to that of a Master's in Social Science.

9. The Hon'ble Supreme Court, in the case of ***Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others; (1984) 4 SCC 27***, has held as under:-

“29. Far from advancing public interest and fair play to the other candidates in general, any such interpretation of the legal position would be wholly defeasive of the same. As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the

problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case.”

10. Thus, the equivalence between degrees must be established by competent academic authorities and not presumed merely due to overlapping subject matter. In absence of such recognition, the Court cannot declare two degrees as equivalent. In present case as well, no material has been placed before us by the petitioner to demonstrate that the degree of M.S.W. and the masters degree in Social Science are equivalent, except the bare submission that they are equivalent. Therefore, this Court finds no merits in the contention of the petitioner that the M.S.W. degree can be considered equivalent to a Master’s degree in Social Science. The petitioner’s qualification as mentioned by him in the memo of the petition, though are found to be commendable, however, does not mean the specific eligibility criteria prescribed under the Government Resolution dated 07.02.2019.

11. The petitioner, thus was appointed as a teacher in respondent No. 6 – College for teaching subjects like History and Social Science. The record reveals that the appointment was made considering both subjects conjointly, and therefore, the petitioner was required to possess the necessary qualifications in both subjects as prescribed. The argument of the petitioner that he be considered qualified in either one of the subjects is contrary to the clear wording of the appointment for which he has been recommended in the college of respondent No. 6.

12. We do not find any illegality in the decision dated 30.07.2025, taken by respondent No. 4 – the Scrutiny Committee, and the same is based on correct interpretation of the eligibility norms. In absence of any official declaration or equivalence certificate equating an M.S.W. with Master's in Social Science, this Court cannot exercise its extraordinary jurisdiction under Article 226 of the Constitution to hold the petitioner eligible to teach the subject of Social Science.

13. In the said circumstances, the Writ Petition stands **dismissed**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)