

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2511 OF 2022

Ramesh Dadaso Shirke	]	
Age – 42 yrs. Occ – Service	]	
R/o. Bhataki Post – Khadaki Patole	]	
Tq. Man Dist. Satara	]	Petitioner

Versus

1.	The State of Maharashtra	]	
	School Education & Sports Department	]	
	Through its Secretary,	]	
	Mantralaya, Mumbai – 32	]	
2.	The Education Officer, (Secondary)	]	
	Zilla Parishad, Satara	]	
	(Res. 1 & 2 copy served on G.P.	]	
	High Court Bombay)	]	
3.	Rayat Shikshan Sanstha	]	
	(Secondary Department)	]	
	Through its Secretary,	]	
	Satara Dist. Satara.	]	
4.	Shri Sambhu Mahadeo Vidyalaya	]	
	& Jr. College Kukutwad,	]	
	Tq. Man Dist – Satara.	]	
	Through its Head Master	]	Respondents

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Ms. Vaishnavi B. Shelake i/b Mr. Abhijeet Kandarkar, for Petitioner.

Ms. T.J. Kapre, A.G.P , for Respondent – State.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ**

DATE : 11th NOVEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK. J]:

1. Heard Ms. Shelake, learned Counsel for the petitioner and Ms. Kapre, learned A.G.P, for respondent – State.
2. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for direction to the respondents to consider the applications of the petitioner and promote him on the post of Shikshan Sevak in view of the Government Resolution dated 10th June, 2005 and the order passed by this Court (Nagpur Bench) in Writ Petition No.7706 of 2022 and grant him all benefits for which he is entitled with immediate effect.
3. Learned Counsel for the petitioner Ms. Shelake submitted that the petitioner was appointed as “Peon” on 10th October, 1997 by respondent No.3 - Rayat Shikshan Sanstha (Secondary Department) and approval was granted to his appointment by the Competent Authority. The petitioner obtained Degree of Bachelor of Arts in May, 2003 and B.Ed in March, 2007. After obtaining the degree, petitioner applied for promotion as Teacher as per his qualification to respondents No.3 – Rayat Shikshan Sanstha and respondent No.4 – Shri Sambhu Mahadeo Vidyalaya and Junior College, Kukutwad. Management did not consider request of the petitioner. Grievance of the petitioner is that Management issued a Circular on 1st April, 2008 that all employees who are claiming promotions on the basis of improved qualification will get fresh

appointment as “Shikshan Sevak” and no promotion will be given. Finally, it was mentioned in the said Circular that employees should be prevented from making such kind of application. The petitioner, therefore, approached this Court by filing Writ Petition No.8316 of 2011. On 15th November, 2011, this Court passed the following order;

“1. Heard Mr. Deokar, the learned counsel for the petitioners.

2. In all these petitions a common grievance is raised that the petitioners who came to be appointed initially to the post of Peon have not been considered for appointment to the post of Assistant Teacher or Shikshan Sevak after they have improved their qualifications. Neither the scheme of the M.E.P.S. Act nor the Rules framed thereunder provide for any right of being considered for appointment to the post of Assistant Teacher from amongst the Peons or Clerks on acquiring the qualifications prescribed for the post of Assistant Teacher, while in service.

3. The Government Resolution dated 15/4/1991 has already been quashed by the Full Bench of this court in the case of Tanaji Madhukar Barbade vs. State of Maharashtra and ors. [2010 (6) Mh.L.J. 901]. It is, therefore, clear that there is no vested right created in favour of any of the petitioners for being appointed for the post of Assistant Teacher / Shikshan Sevak and, therefore, these petitions must fail at the threshold.

4. Hence, the petitions are hereby rejected summarily.

5. However, if the respondent-management has invited applications for the post of Assistant Teacher and the petitioners, if they are otherwise eligible for the said post of Assistant Teacher, may be considered along with other applicants and their applications will not be rejected

solely on the ground that they are the employees of the management as of now. Undoubtedly, the GR dated 10/6/2005 will be applicable to any of the petitioners who is found fit for appointment to the post of Assistant Teacher / Shikshan Sevak”.

4. Learned Counsel for the petitioner submitted that the decision of this Court (Nagpur Bench) in **Suhas s/o Rangraoji More Vs. State of Maharashtra and others** dated 21st December, 2023 supports the case of the petitioner. It is, therefore, submitted that the petitioner is entitled to the reliefs as prayed for in this petition.

5. Learned Counsel for the petitioner submits that the petitioner made a representation to the respondent No.2 – The Education Officer, (Secondary) Zilla Parishad, Satara on 15th December, 2018 requesting that in terms of the Government Resolution dated 10th June, 2005, the petitioner should be appointed/promoted as “Shikshan Sevak”. However, no decision has been taken on the said representation dated 15th December, 2018 though the petitioner is legitimately entitled to be appointed/promoted as Shikshan Sevak in view of the aforesaid Government Resolution and the decisions of this Court.

6. Affidavit-in-reply has been filed by respondents No.3 and 4 - Management. We find that the representation dated 15th December, 2018 has not been decided by the respondent No.2 - The Education Officer. In the facts and circumstances of the present case, we request the respondent No.2 to

decide the representation dated 15th December, 2018 which is at page 61 of the paper book as expeditiously as possible and preferably within a period of twelve weeks from the date of communication of this order. The petitioner shall remain present before respondent No.2 – The Education Officer along with copy of this order and also copy of representation on 24th November, 2025 at 11.00 a.m. Respondent No.2 - The Education Officer may hear the petitioner and the respondents No.3 and 4 – Management and take the representation to its logical conclusion within the aforesaid period.

7. It is open for the petitioner to also prefer a comprehensive representation detailing all the facts justifying his claim when the petitioner appears before the respondent No.2 on 24th November, 2025.

8. The petition is disposed of in the aforesaid terms. No order as to costs.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]