

Nikita

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8176 OF 2025

Sudarshan Sharad Mohite and Ors.

...Petitioners

versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Rakesh Bhatkar a/w Aarya Ambulkar i/b Mr. Vivekkumar Dubey for the Petitioners.

Mr. Ajit Savagave a/w Mr. Manthan Bhandigare for the Respondent Nos. 3 and 4.

Ms. T. J. Kapre, AGP for the State.

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**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.**

DATE : 14th OCTOBER, 2025.

ORAL ORDER (PER M. S. KARNIK, J.):

1. Heard learned Counsel for the Petitioners, learned AGP for the State and learned Counsel appearing for the Respondent Nos. 3 and 4.
2. Petitioners were appointed on the contract basis in the Zilla Parishad schools as Assistant Teachers for standards 1st to 5th and 6th to 8th. Around 396 teachers were appointed on contract basis. It is the contention of the learned Counsel for the Petitioners that by the impugned action, merely because the Zilla Parishad was desirous of appointing teachers through a regular recruitment process, the services of all 396 teachers appointed on contract basis came to be terminated.

3. Mr. Bhatkar, learned Counsel for the Petitioners submitted that having regard to the provisions of the Right of Children to Free and Compulsory Education Act, 2009, it is obligatory for the Zilla Parishad to ensure that sufficient teachers are engaged so that students do not suffer. It is submitted by Mr. Bhatkar, that till such time, the posts are regularly filled in through the regular selection process, the Petitioners should be allowed to continue on contractual basis. We do find some merit in the submissions of Mr. Bhatkar that sufficient number of teachers should be available in the Zilla Parishad schools so that the students do not suffer. However, these are the matters for the Zilla Parishad to work out. In the event, sufficient number of teachers are not available and if the statistics so reveal, it is always open for the Petitioners to place the data for the consideration of this Court whereby appropriate orders can be passed.

4. The stand of the Zilla Parishad is that they have undertaken a regular selection process for appointment of teachers and even the Petitioners can participate in the said process. It is further submitted that sufficient number of teachers are available at the Zilla Parishad schools to cater to the educational requirements of the students.

5. We do not find that there is any data placed on record to indicate that the teachers are not sufficient. Furthermore, the Petitioners can always participate in the regular selection process. If at all, the Zilla

Parishad finds that additional teachers are required to be appointed on contractual basis, it is obviously the Petitioners who should be given the preference in such contractual appointments. Learned Counsel for the Zilla Parishad fairly submits on instructions that if at all the services of the Assistant Teachers are required on contract basis, it is the Petitioners who will be given a preference.

6. With these observations, keeping the liberty of the Petitioners open to file appropriate proceedings in case of any difficulty, the petition is disposed of.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]