

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9518 OF 2025

Sindhudurg Zilla Shikshan Sanstha Chalak Mandal ... Petitioner
(Registered) Thr Its President

Versus

The State of Maharashtra And Ors ... Respondents

ALONG WITH

WRIT PETITION NO. 8959 OF 2025

Maharashtra Puragami Prathmik Shikshak ... Petitioner
Sanghtana (Registered) Thr. State President

Versus

The State of Maharashtra And Ors ... Respondents

Mr. Prashant Bhavake for the Petitioners.
Mr. S. B. Kalel, AGP for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : December 1, 2025.

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

1. Heard learned Counsel.
2. By these Petitions, the Petitioners pray for following substantive reliefs:

“Prayer Clauses [b], [c] and [d] in Writ Petition No. 9518-2025:-

b] By a suitable writ, order or direction, this Hon'ble Court be pleased to quashed and set aside the impugned Government Resolution dated 15-3-2024 issued by Respondent No.1-State Government [Exhibit-N];

c] By a suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondents direction to the Respondent to sanction the teaching posts in the recognised Primary and Higher Primary Schools as per Pupil-Teacher Ratio provided under the Schedule of the the Right of Children to Free and Compulsory Education Act, 2009 and accordingly, be pleased to direct the Respondent Nos. 6 and/or 7 to issue orders of sanctioning staff schedule for each academic years;

d] By a suitable writ, order or direction, this Hon'ble Court be pleased to further direct the Respondents to sanction the post of the teaching staff in recognized private Secondary Schools as per the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 and the Secondary Schools Code and accordingly, be pleased to direct the Respondent No. 6 to issue orders of sanctioning staff schedule for each academic years;

“Prayer Clauses [b], [c] and [d] in Writ Petition No. 8959-2025:-

b] By a suitable writ, order or direction, this Hon'ble Court be pleased to quashed and set aside the impugned Government Resolution dated 15-3-2024 issued by Respondent No.1- State Government and accordingly be pleased to direct the Respondents direction to the Respondent to sanction the teaching posts in the recognised Primary Schools as per Pupil-Teacher Ratio provided under the Schedule of the the Right of Children to Free and Compulsory Education Act, 2009;

c] Pending the hearing and final disposal of the present Writ Petition, the impugned Government Resolution dated 15-3-2024 issued by Respondent No.1-State Government, may kindly be stayed.

d] Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to sanction the teaching posts in the recognised Primary Schools as per Pupil-Teacher Ratio provided under the Schedule of the the Right of Children to Free and Compulsory Education Act, 2009;"

3. The Petitioners are seeking to challenge the Government Resolution dated 15th March 2024 issued by Respondent No. 1–State on various grounds, with specific emphasis.
4. On ground 'D' which is reproduced for facility of convenience.

"Ground D in Writ Petition No. 9518-2025:-

D] The Petitioner states that the impugned Government Resolution dated 15-3-2024 is nothing but product of clear-cut wrong and negative interpretation of Schedule of the RTE Act, 2009. The Petitioner states that the Respondent No. 1-State Government did not at all apply mind while issuing impugned Government Resolution. The Petitioner states that the Clause 1 of Schedule of RTE Act, 2009 expecting each class-wise requirement of teachers for providing free, compulsory and equitable quality of education to children between 6 to 14 years of age. However, surprisingly the impugned Government Resolution is issued by treating the said norms prescribing section-wise [i.e. 1st to 5th Stds. (Primary Section) and 6th to 8th Stds. (Higher Primary Section)] requirement of teachers. The Petitioner states that said interpretation at the instance of the Respondent No.1 is totally contrary with the aims and object of the RTE Act, 2009. Hence, on this sole ground impugned Government Resolution is required to be quash and set aside. The Petitioner states that, said issue is squarely covered by judgement dated 17-12-2015, a copy of which is hereto annexed and marked as Exhibit "Q" passed by the Hon'ble Kerala High Court in Writ Petition (Civil) No. 19008 of 2013-A alongwith connected matters as well as judgement and order dated 30-8-2016, a copy of which is hereto annexed and marked as Exhibit "R" passed by the Hon'ble Kerala High Court in Writ Appeal No. 372 of 2015 alongwith connected matters.

The Petitioner states that, Hon'ble Apex Court vide order dated 19-4-2017, a copy of which is hereto annexed and marked as Exhibit "S" passed in Special Leave to Appeal (C) No. 4298 of 2017 alongwith connected matters was pleased to confirm said judgement of Hon'ble Kerala High court. Hence, in view of law laid down by Hon'ble Kerala High Court as well as Hon'ble Apex Court, norms laid down vide impugned Government Resolution dated 15-3-2024 cannot be sustained and hence same are liable to be quash and set aside.

Ground D in Writ Petition No. 8959-2025:-

D] The Petitioner states that the impugned Government Resolution dated 15-3-2024 is nothing but product of clear-cut wrong and negative interpretation of Schedule of the RTE, Act, 2009. The Petitioner states that the Respondent No. 1-State Government not at all applied mind while issuing impugned Government Resolution. The Petitioner states that the Clause 1 of Schedule of RTE, Act, 2009 expecting each class-wise requirement of teachers for providing free, compulsory and equitable quality of education to children belongs to 6 to 14 years. However, surprisingly the impugned Government Resolution is issued by treating the said norms prescribing section wise [i.e. 1st to 5th Stds. (Primary Section) and 6th to 8th Stds. (Higher Primary Section)] requirement of teachers. The Petitioner states that said interpretation at the instance of the Respondent No.1 is totally contrary with the aims and object of the RTE, Act, 2009."

5. We notice that the very same Government Resolution dated 15th March 2024, which is the subject-matter of challenge in the present Petitions, was earlier challenged before the Principal Seat in several writ petitions. Their Lordships, in ***Maharashtra Rajya Padvidhar Prathamik Shikshak Va Kendrapramukh Sabha & Ors. vs. State of Maharashtra***, by a judgment and order dated 14th November 2025 in Writ Petition No. 5456 of 2025 along with other connected petitions,

were pleased to reject the challenge to the said Government Resolution by a reasoned order.

6. Learned AGP invited our attention to paragraph no. 7 of the order passed by the Co-ordinate Bench of this Court in ***Maharashtra Rajya Padvidhar Prathamik Shikshak Va Kendrapramukh Sabha & Ors. vs. State of Maharashtra*** (supra), seeking similar reliefs which reads as under:-

"7. In Writ Petition (ST) No.15761 of 2025, the President of the school's Management Committee and the Headmaster of Raigad Zilla Parishad Primary School are the petitioners. In Writ Petition (ST) No. 15782 of 2025, the President of the Hind Education Society and the Headmasters of R. M. High School and the New English School run by the Hind Education Society are the petitioners. In both the writ petitions, the petitioners have raised similar grounds and the prayers made therein are identical. For the sake of convenience, the prayers made in Writ Petition (ST) No.15761 of 2025 are reproduced herein below:-

"a] Rule Nisi be issued and records and proceedings be called for.

b] By a suitable writ, order or direction, this Hon'ble Court may be pleased to quash and set aside the impugned Government Resolution dated 15.3.2024 issued by the Respondent No. 1, in relation to the norms prescribed in Clause 3 for sanction of the posts of Graduate Teachers to Class of Std. 6 to 8, whereby it is provided that the upper Primary School having all the 3 divisions of Std. 6 to 8 should have minimum 60 students for being eligible to be sanctioned 3 posts of teachers, and accordingly the Respondents be directed to sanction 3 posts of Graduate Teachers to the Classes of Std. 6 to 8, as per the norms prescribed in the Schedule appended to the Right of Children to Free and Compulsory Education Act, 2009, in all the Primary Schools of Respondent No. 4, including the Primary School Le. Ranvadi Budruk Zilla Parishad Primary

School, At Ranvadi Bk, Tal. Poladpur, Dist. Raigad.

c] By a suitable writ, order or direction, this Hon'ble court may be pleased to restrain the Respondent No. 5 from issuing the final order of Sanch Manyata of the year 2024-2025 in respect o the Ranvadi Budruk Zilla Parishad Primary School, At Ranvadi Bk, Tal. Poladpur, Dist. Raigad & All other Primary Schools of Respondent No. 4, regarding sanction of the posts of Graduate Teachers for Std. 6 to 8, without sanctioning 3 posts of Graduate Teahers for the said Classes of Std. 6 to 8.

d] By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 5 to sanction 3 posts of Graduate Teachers for Classes of Std. 6 to 8 to the Ranvadi Budruk Zilla Parishad Primary School, At Ranvadi Bk, Tal. Poladpur, Dist. Raigar and all the Primary Schools of Respondent No. 4, with all consequential service benefits in A. Y. 2024-2025

e] Pending the hearing and final disposal of this Writ Petition, the Respondent No. 5 may be restrained from finalizing the Sanch Manyata of the Ranvadi Budruk Zilla Parishad Primary School, At Ranvadi Bk, Tal. Poladpur, Dist. Raigad and all Primary Schools of Respondent no.4 for the Academic Year 2024-2025 on the basis of the Draft Order of Sanch Manyata dated 11.3.2025 issued by the Respondent No. 5.

f] Pending the hearing and final disposal of this Writ Petition, the Respondents be restrained from declaring any of the Graduate Teacher working for Std. 6 to 8 as surplus in the said Ranvadi Budruk Zilla Parishad Primary School, At Ranvadi Bk, Tal. Poladpur, Dist. Raigad and other Primary Schools of Respondent No.4. and therefore, liable to be absorbed in some other Primary Schools, and hence the teachers presently working in Std. 6 to 8 of the said Primary Schools be continued in service in the same schools with all & consequential benefits.

g] Cost of this petition be provided for.

h] Any other order in the interest of justice and kindness be passed as and when necessary."

7. Learned Counsel for the Petitioners submitted that the specific grounds raised in the present Petitions was not the subject matter of consideration before the Co-ordinate Bench. We find that the challenge to the very same Government Resolution impugned in these Petitions has already failed before the Principal Seat by a reasoned order. In such circumstances, it is not open for us to entertain a fresh challenge to the same Government Resolution in these Petitions, particularly when the grounds now urged are substantially similar, worded differently to those which were subject-matter of consideration before the Co-ordinate Bench.

8. Learned Counsel relied upon decision of the Kerala High Court in the case of ***Kerala Aided L.P. & U.P. School, Managers Association vs. State of Kerala***¹ which is at page no. 150 of the paperbook. However, once the Co-ordinate Bench of this Court having decided the validity of the Government Resolution by a reasoned order, we are not persuaded to accept the contention of learned Counsel for the Petitioners that the decision of the Kerala High Court should be factor to take a view different from that of the Co-ordinate Bench of this Court which we are in respectful agreement with.

9. The Writ Petitions therefore stand dismissed.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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