

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10283 OF 2024

Satyabhama Ramvijaya Jadhav .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

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Mr. Satyajeet A. Rajeshirke with Mr. Shubham R. V. ,Advocates for the Petitioner.

Mr. P. P. Kakade, Additional Government Pleader with Mrs. A. A. Purav, AGP for the Respondent-State.

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**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 22nd JULY 2025.

PER SHREE CHANDRASHEKHAR, J.

In this writ petition, a challenge has been laid to the order dated 30th October 2023 passed by the Deputy Director of Education Kolhapur Division, Kolhapur who has been arrayed as the respondent no.2 in the present proceedings.

2. The petitioner has pleaded that the proposal for confirmation of appointment of the petitioner in the regular pay scale as a part-time teacher with effect from 17th December 2015 remained pending with the respondent nos.3 and 4 and no decision thereon was taken by them. Notwithstanding that, the impugned order dated 30th October 2023 came to be passed rejecting the representation of the petitioner for upgradation of her services as full- time teacher. The petitioner came before this Court in writ petition no. 4955 of 2021

and a direction was issued to the respondent Authority to consider the claim in accordance with law. However, no consideration was bestowed by the respondent Authority to her representation and this is the reason, constrained, she again came before this Court.

3. Mr. Satyajeet A. Rajeshirke, the learned counsel for the petitioner submits that the only ground taken in the order dated 30th October 2023 for rejecting the claim of the petitioner for upgradation of her services as a full-time teacher was that she was not confirmed in the regular pay scale as a part-time teacher. The submission made at the Bar is that no decision on the representation for upgrading her post as full-time teacher could have been taken before a decision was taken by the respondent nos.3 and 4 as regards confirmation of the services of the petitioners in regular pay scale as part-time teacher. On the other hand, Mr. P. P. Kakade, the learned Additional Government Pleader referred to the objections taken by the respondent no.3 to oppose the challenge made to the order dated 30th October 2023. The following objections have been taken by the respondent no.3 in the affidavit-in-reply:

“5. Thereupon, the Petitioner appeared before the Deputy Director of Education, Kolhapur. The Petitioner submitted written submission so also Respondent No.3-Management. The Respondent-Management took a stand that the Petitioner has been appointed on part-time basis which was a temporary appointment and the Petitioner has not

continuously worked and therefore, the Petitioner is not entitled to the relief to be appointed on full-time basis.

6. The Deputy Director noted that the Petitioner has served as per the appointment orders and made three observations. First that the Petitioner's appointment is not as per the Rule 9 of the Maharashtra Employees Of Private Schools (Conditions Of Service) Rules, 1981 and the Government Resolution dated 6 February 2012. Secondly, there is no continuous service from 2012-2013 to 2016-2017. The Deputy Director also observed that the Petitioner is not in service from the Academic Year 2016-2017."

4. Having considered the submissions made on behalf of the contesting parties, we have formed an opinion that the decision dated 30th October 2023 by the Deputy Director of Education requires interference of this Court. In our opinion, before the proposal sent by the respondent nos.3 and 4 was considered by the respondent Authority for grant of regular pay scale to the petitioners as part-time teacher her future claim for the post of full-time teacher could not have been decided by the respondent no.2. Therefore, this writ petition succeeds to the extent that the order dated 30th October 2023 is quashed and the respondent nos.3 and 4 are directed to transmit the proposal for confirmation of the petitioner in the regular pay scale of a part-time teacher on which a decision shall be taken within next six weeks.

5. Writ Petition No. 10283 of 2024 is disposed of.

[MANJUSHA DESHPANDE, J.] [SHREE CHANDRASHEKHAR, J.]