

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

WRIT PETITION NO.8786 OF 2021

WRIT PETITION NO.4788 OF 2022

WRIT PETITION NO.6553 OF 2022

WRIT PETITION NO.10487 OF 2023

WRIT PETITION NO.18667 OF 2024

WRIT PETITION NO.7149 OF 2025

WRIT PETITION NO.2408 OF 2025

WRIT PETITION NO.2409 OF 2025

Gayatri Subhash Mule and Ors.	.. Petitioners
Sharad Vinayak Chavan and Ors.	.. Petitioners
Krushna Ramdas Gode and Ors.	.. Petitioners
Vijay Damodar Khude and Ors.	.. Petitioners
Gopal So Baliram Kale	.. Petitioner
Shubhangi Dudhram Girhapunje and Ors.	.. Petitioners
Jayashri Shantaram Patil and Ors.	.. Petitioners
Krushna Suryabhan Gaikwad and Ors.	.. Petitioners

Versus

The State of Maharashtra, Through School Education and Sports Dept. & Anr.	.. Respondents
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ALONG WITH

CONTEMPT PETITION (ST) NO.24973 OF 2025 IN WRIT PETITION NO.8786 OF 2021 Gayatri Subhash Mule	.. Petitioner
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ALONG WITH

INTERIM APPLICATION NO.3003 OF 2019 IN WRIT PETITION NO.8786 OF 2021

INTERIM APPLICATION NO.612 OF 2025 IN WRIT PETITION NO.8786 OF 2021

INTERIM APPLICATION NO.1638 OF 2025 IN WRIT PETITION NO.8786 OF 2021

The State of Maharashtra, Through the Maharashtra Prathamik Shikshan Parishad	.. Applicant
Gayatri Subhash Mule and Ors.	.. Applicants
Vishal Prakash Tikar	.. Applicant

ALONG WITH

INTERIM APPLICATION NO.17978 OF 2022 IN WRIT PETITION NO.6553 OF 2022

INTERIM APPLICATION NO.17549 OF 2023 IN WRIT PETITION NO.6553 OF 2022

INTERIM APPLICATION NO.13029 OF 2024 IN WRIT PETITION NO.6553 OF 2022

INTERIM APPLICATION NO.13041 OF 2024 IN WRIT PETITION NO.6553 OF 2022

INTERIM APPLICATION NO.13955 OF 2024 IN WRIT PETITION NO.6553 OF 2022

INTERIM APPLICATION NO.790 OF 2025 IN WRIT PETITION NO.6553 OF 2022

INTERIM APPLICATION NO.791 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.793 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.794 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.796 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.797 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.798 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.799 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.800 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.10734 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.10735 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.10736 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.10738 OF 2025 IN WRIT PETITION NO.6553 OF 2022
INTERIM APPLICATION NO.10739 OF 2025 IN WRIT PETITION NO.6553 OF 2022

Shamsundar Kautikrao Katkar and Ors.	.. Applicants
Avinash Madhukar Changale and Ors.	.. Applicants
Sachin Rameshrao Raut and Ors.	.. Applicants
Kunal Sureshrao Pimple and Ors.	.. Applicants
Manisha Ankushrao Dorakhe and Ors.	.. Applicants
Sandip Rohidas Pawar and Ors.	.. Applicants
Devidas Laxman Chavan and Ors.	.. Applicants
Vivek Raosaheb Daspute and Ors.	.. Applicants
Vikas Sudhakar Kshirsagar and Ors.	.. Applicants
Navnath Ganpat Bhokare and Ors.	.. Applicants
Aditi Sahebrao Jethe and Ors.	.. Applicants
Ramesh Shamroji Shirbhate and Ors.	.. Applicants
Archana Ashok Pawar and Ors.	.. Applicants
Tukaram Pralhadrao Deshmukh and Ors.	.. Applicants
Sumit Motiram Thombre and Ors.	.. Applicants
Suresh Sadashiv Tarawtkar and Ors.	.. Applicants
Laxman Pandurang Pawal and Ors.	.. Applicants
Somnath Murlidhar Varne and Ors.	.. Applicants
Babasaheb Dattatray Navghare and Ors.	.. Applicants

Mr. S.B. Talekar with Ms. Madhavi Ayyappan, Advocates, i/by Talekar & Associates, for the Petitioners.

Mr. Arvind Ambetkar (through V.C.) with Mr. Sandeep Gupta, Advocates for the Petitioners in WP/4788/2022 and WP/6553/2022.

Mr. B.V. Samant, Additional Government Pleader for the Respondent-State of Maharashtra in WP/8786/2021, WP/4788/2022 and WP/6553/2022.

Mr. B.V. Samant, Additional Government Pleader with Ms. Pooja Joshi Deshpande, Assistant Government Pleader for the Respondent-State of Maharashtra in WP/8786/2021, WP/4788/2022, WP/6553/2022 and WP/18667/2024.

Ms. Pooja Joshi Deshpande, Assistant Government Pleader for the Respondent-State of Maharashtra in WP/2408/2025 and for Respondent Nos.1 to 3 in CP(ST)/24973/2025.

Ms. P.N. Diwan, Assistant Government Pleader for the Respondent-State of Maharashtra in WP/2409/2025.

**CORAM : SHREE CHANDRASHEKHAR &
AARTI A. SATHE, JJ**

DATE : 26TH AUGUST 2025.

[THROUGH HYBRID HEARING]

PC. :

In Writ Petition No.7106 of 2013 with batch matters, the writ Court issued a series of directions as contained in paragraph no.118 of the judgment dated 9th May 2014 (*Writ Petition No.7106 of 2013 with batch matters*). One of the directions issued by the writ Court was to formulate final policy document within three years as contemplated under the Right of Children to Free & Compulsory Education Act, 2009. Keeping in view the provisions of sections 19 and 20 thereof, the following directions were issued by the writ Court :

- “i) It is the failure of the State Government and in particular concerned Education Department, not to formulate final policy document within three years from 1.4.2010 i.e. the date when the RTE Act 2009 came into force.
- ii) Since the State Government did not formulate final policy document within three years, as contemplated under RTE Act, and in particular keeping in view provisions of Sections 19 and 23 thereof, funds were not released for the academic year 2013-14 by the Central Government. Therefore, the petitioners had to file hundreds of petitions for redressal of their grievances. No slightest fault can be attributed to the petitioners.
- iii) The State Government while taking final policy decision in respect of appointments is bound to consider the length of service rendered by the respective petitioners working on the post of Instructors in (a) Art Education, (b) Health and Physical Education and (c) Work Education, mental agony faced by them in not appointing them for the academic year 2013-14 because of failure of State Government in not performing its obligation. The State Government while making fresh appointments is bound to give due weightage to the experience

gained by the petitioners and their requisite qualifications and mental agony faced by them by not continuing them for the academic year 2013-14, for the failure of the State Government in not formulating permanent policy document.

- iv) The State Government keeping in view the provisions of Article 21-A of the Constitution of India and the provisions of RTE Act, Rules thereunder and the Schedule prescribed, will have to take decision to create permanent infrastructure and also appointments on permanent basis as a long time measures so as to perform its Constitutional and statutory obligations under the provisions of Constitution of India and RTE Act.
- v) The State Government can certainly keep in view and consider to create permanent cadre of part-time Instructors in (a) Art Education, (b) Health and Physical Education and (c) Work Education as specified in Section 9 of RTE Act and Rule 20 of Rules 2010, in all Zilla Parishad Schools having 5th to 7th standards and minimum strength of 100 students in the State of Maharashtra. Since the State Government has not formulated final policy document, we leave it to the State Government to perform its obligation in view of the provisions of RTE Act.
- vi) As already observed, it would be open for the State Government while appointing the candidates on the posts of part time Instructors in (a) Art Education, (b) Health and physical Education and (e) Work Education, or on any other post under RTE Act, the State Government has to inform them that due to inadequate work load in particular schools, they will have to attend other schools so as to complete the work hours/work load. The State Government can very well keep in view the policy formulated by the State of Kerala or any other welfare State, as a guiding factor.
- vii) The posts sanctioned by the State Government, as reflected in affidavit in reply filed by the State authorities and in the light of the Government Resolution placed on record cannot be considered for the particular academic year. Therefore, the State has to make appointments on these sanctioned posts keeping in view long term plan.”

2. Mr. B.V. Samant, the learned State counsel submits that in compliance of the directions issued by the writ Court in the aforementioned cases, Government Resolution dated 14th October 2024 has been put in place. On the other hand, Mr. S.B. Talekar, the learned

counsel for the petitioners states that the Government Resolution dated 14th October 2024 is not strictly in consonance with the directions issued by this Court in the aforementioned writ petitions. The learned counsel for the petitioners further submits that on previous occasions the government brought in Government Resolutions which were found not in tune with the directions issued by the writ Court in the afore-mentioned Writ Petition No.7106 of 2013 with batch of matters and those Government Resolutions were quashed.

3. May be that has happened in the past. But now the fact of the matter is that the Government Resolution dated 14th October 2024 has to be tested on the touchstone of the directions issued by the writ Court in paragraph 118 of the judgment dated 9th May 2014 and that exercise can be undertaken only in a substantive writ petition if the petitioners choose to do so. Therefore, with liberty to the petitioners to lay a challenge to the Government Resolution dated 14th October 2024 by filing a substantive writ petition, all these writ petitions bearing Nos.8786 of 2021, 4788 of 2022, 6553 of 2022, 10487 of 2023, 2408 of 2025 and 2409 of 2025 are disposed of.

4. All the interim applications bearing nos.3003 of 2019, 612 of 2025 and 1638 of 2025 in Writ Petition No.8786 of 2021 as also interim applications bearing nos.17978 of 2022, 17549 of 2023, 13029 of 2024, 13041 of 2024, 13955 of 2024, 790 of 2025, 791 of 2025, 793 of 2025, 794 of 2025, 796 of 2025, 797 of 2025, 798 of 2025, 799 of 2025, 800 of 2025, 10734 of 2025, 10735 of 2025, 10736 of 2025, 10738 of 2025 and 10739 of 2025 in Writ Petition No.6553 of 2022 also stand disposed of.

5. Post Contempt Petition (Stamp) No.24973 of 2025 on 7th October 2025.

[AARTI A. SATHE, J.]

[SHREE CHANDRASHEKHAR, J.]