

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION / ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.5456 OF 2025
WRIT PETITION (STAMP) NO.15761 OF 2025
WRIT PETITION NO.6028 OF 2025
WRIT PETITION (STAMP) NO.15782 OF 2025
WRIT PETITION (STAMP) NO.21330 OF 2025
WRIT PETITION NO.7548 OF 2025
WRIT PETITION NO.7552 OF 2025
WRIT PETITION NO.8239 OF 2025
WRIT PETITION NO.8753 OF 2025
WRIT PETITION NO.8754 OF 2025
WRIT PETITION NO.8946 OF 2025
WRIT PETITION NO.9276 OF 2025
WRIT PETITION NO.9977 OF 2025
WRIT PETITION NO.10213 OF 2025
WRIT PETITION NO.10432 OF 2025
WRIT PETITION NO.10433 OF 2025
WRIT PETITION NO.10470 OF 2025
WRIT PETITION NO.10497 OF 2025
WRIT PETITION (ST) NO.24468 OF 2025
OOCJ WRIT PETITION (LODGING) NO.17362 OF 2025

The Maharashtra Rajya Padvidhar Prathamik Shikshak Va Kendrapramukh Sabha and Ors.	.. Petitioners
Ranvadi Budruk Zilla Parishad Primary School and Ors.	.. Petitioners
Rajendra Ramchandra Chandiwade and Ors.	.. Petitioners
The Hind Education Society, Miraj and Ors.	.. Petitioners
Balraj Prataprao Bagal and Ors.	.. Petitioners
Bhivaji Lakshman Patil and Ors.	.. Petitioners
Dattatray Baburao Bhosale and Ors.	.. Petitioners
Sanjay Jagannath Shende and Ors.	.. Petitioners
The Maharashtra Rajya Prathamik Shikshan Sangh and Ors.	.. Petitioners
Maharashtra Rajya Prathamik Shikshan Pati Patni Seva Sangh and Ors.	.. Petitioners
Ujjwala Sunil Shingare and Ors.	.. Petitioners
Sanjay Dinkar Tembhe and Ors.	.. Petitioners
Santosh Pilaji Sabale and Ors.	.. Petitioners
Sunil Vitthal Phand and Ors.	.. Petitioners
Pradip Sadashiv Mahamuni	.. Petitioner
Ratnakar Ramchandra Sarvankar and Ors.	.. Petitioners
Ajay Mahadev Garate and Ors.	.. Petitioners

Neelam Siddharth Hirway and Ors. .. Petitioners
Vikas Ramesh Shelar and Ors. .. Petitioners
The Shikshanmandal, Goregaon .. Petitioner

Versus

The State of Maharashtra,
Through School Education & Sports Department and Ors. .. Respondents

ALONG WITH

**WRIT PETITION (STAMP) NO.13145 OF 2025
WRIT PETITION NO.5759 OF 2025
WRIT PETITION NO.6213 OF 2025
WRIT PETITION (STAMP) NO.16603 OF 2025
WRIT PETITION NO.10321 OF 2025**

Shashank Gunaji Atak and Ors. .. Petitioners
Dilip Ramchandra Mahadik and Ors. .. Petitioners
Rajaram Baburao Kavitkar and Ors. .. Petitioners
Maharashtra Rajya Graduate Primary Teachers
and Kendra Pramukh Association .. Petitioners
Vinayak Lahu Magdum and Ors. .. Petitioners

Versus

Union of India,
Through Education Department and Ors. .. Respondents

ALONG WITH

**INTERIM APPLICATION (ST) NO.25647 OF 2025 IN WRIT PETITION NO.5456 OF 2025
INTERIM APPLICATION (ST) NO.21996 OF 2025 IN WRIT PETITION NO.5456 OF 2025
INTERIM APPLICATION (ST) NO.24313 OF 2025 IN WRIT PETITION NO.6213 OF 2025
INTERIM APPLICATION (ST) NO.20158 OF 2025 IN WRIT PETITION NO.5460 OF 2025
INTERIM APPLICATION NO.10267 OF 2025 IN WRIT PETITION NO.8754 OF 2025
CONTEMPT PETITION NO.412 OF 2025 IN WRIT PETITION (ST) NO.13145 OF 2025**

Swarajya Shikshan Sanghatana, Maharashtra Rajya .. Applicant
Dnyaneshwar Balasaheb Sonawane .. Applicant
Madhusuudan Ramdas Ghode and Ors. .. Applicants
Santosh Tukaram Ambale and Ors. .. Applicants
Maharashtra Rajya Prathamik Shikshan Pati Patni
Seva Sangh and Ors. .. Applicants
Shashank Gunaji Atak and Ors. .. Petitioners

Appearances for the Petitioners in all the Writ Petitions

- Mr. S.S. Pakale, Senior Advocate, with Mr. Saurabh Pakale and Mr. Nilesh Desai, Advocates for the Petitioner/s in WP/5456/2025, WP/6028/2025, WP/8239/2025, WP/8753/2025, WP/8754/2025, WP/9977/2025, WP/10213/2025, WP/10470/2025, WP/10497/

2025, IA(ST)/20158/2025 in WP/5460/2025 and WP(ST)/24468/2025.

- Mr. N.V. Bandiwadekar, Senior Advocate, with Mr. Vinayak Kumbhar, Mr. Rajendra B. Khaire, i/by Ms. Ashwini N. Bandiwadekar, Advocates for the Petitioner/s in WP/15761/2025 and WP(ST)/15782/2025.
- Mr. Niranjana Bhavake with Ms. Drishti Madhani, Ms. Swamini Thakur, Mr. Anurag Ramekar, Advocates, i/b Bhavake & Associate, for the Petitioner in WP(ST)/16603/2025.
- Mr. Shivkumar K. Mathpati, Advocate for the Petitioner in WP/6213/2025.
- Mr. Sanjeev P. Kadam, Senior Advocate, with Mr. Prashant Raul, Mr. Harsh Khot and Mr. Suraj Mhadgut, i/by Ms. Varsha M. Thorat, Advocates for the Petitioner/s in WP/7548/2025, WP/7552/2025, WP/8946/2025, WP/10432/2025 and WP/10433/2025.
- Ms. Preeti Walimbe with Ms. Vaishnavi Nagargoje, Advocates for the Petitioner in WP/9276/2025.
- Mr. Ashwin R. Kapadnis with Mr. Balaji Shinde, Advocates for the Petitioner in WP/10321/2025.

Appearances for the Respondents in all the Writ Petitions

- Mr. Rui Rodrigues with Ms. Gargi Warunjikar, Advocates for Respondent No.1-UI in WP(ST)/16603/2025.
- Mr. Rui Rodrigues with Mr. Sagar Ambedkar, Advocates for Respondent No.1-UI in CP/412/2025.
- Mr. Rui Rodrigues with Mr. Vinit Jain and Mr. Gaurav Mhatre, Advocates for the Respondent-UI in WP/8239/2025 and WP/8753/2025.
- Mr. Sunil Gosavi, Advocate for the Applicant in IA(ST)/25647/2025 in WP/5456/2025.
- Mr. Ashwin R. Kapadnis, Advocate for the Respondent - ZP, Pune in WP/5456/2025, WP(ST)/13145/2025, WP/5759/2025, WP/8239/2025, WP/8753/2025, WP/8754/2025, WP/9977/2025, WP/10213/2025, IA(ST)/20158 in WP/5460/2025 and WP(ST)/24468/2025.
- Ms. Priyanka Chavan, Advocate for Respondent Nos.5 and 6 – ZP, Solapur in WP/5456/2025.
- Mr. Ajit M. Savagave, Advocate for Respondent Nos.5 and 6 in WP/6028/2025 and for the Respondent-ZP, Palghar & CEO in WP/5456/2025.
- Mr. Shrishail Sakhare, Advocate for Respondent Nos.15 and 16 in WP/8754/2025 and for Respondent No.3 in WP/9276/2025.

Appearances for the State of Maharashtra in WP/5456/2025, WP(ST)/13145/2025 with CP/412/2025, WP/5759/2025, WP/6213/2025, WP(ST)/15761/2025, WP/6028/2025, WP(ST)/15782/2025 and WP(ST)/16603/2025.

- Mr. P. P. Kakade, Additional Government Pleader with Mr. S.B. Kalel, Assistant Government Pleader for the Respondent-State of Maharashtra.
- Mr. A.I. Patel, Additional Government Pleader with Mr. Kushal Amin, 'B' Panel Counsel for the Respondent-State of Maharashtra.
- Mr. B.V. Samant, Additional Government Pleader with Mr. V.G. Badgujar, Assistant Government Pleader for the Respondent-State.
- Mr. Omkar Chandurkar, Additional Government Pleader with Mrs. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra.
- Ms. N. M. Mehra, Assistant Government Pleader for the Respondent-State of Maharashtra.
- Ms. D. S. Deshmukh, Assistant Government Pleader for the Respondent-State of Maharashtra.

Appearances for the State of Maharashtra in WP/8239/2025, WP/8753/2025, WP/8754/2025, WP/7548/2025, WP/7552/2025, WP/8946/2025, WP/8946/2025, WP/10470/2025, WP/8946/2025, WP/10470/2025, WP(ST)/24468/2025, WP/9276/2025, IA(ST)/20158/2025 in WP/5460/2025, WP/9977/2025, WP/10321/2025, WP/10432/2025, WP/10497/2025 and WP/10433/2025.

- Mr. P.P. Kakade, Additional Government Pleader with Ms. Nisha M. Mehra, Assistant Government Pleader for Respondent Nos.1 to 5 – State of Maharashtra in WP/8239/2025, WP/8753/2025 and WP/8754/2025.
- Mr. M.M. Pabale, Assistant Government Pleader for Respondent Nos.1, 2 and 4 in WP/7548/2025 and WP/7552/2025.
- Mr. A.I. Patel, Additional Government Pleader for the Respondent-State of Maharashtra in WP/8946/2025.
- Mr. A.I. Patel, Additional Government Pleader with Ms. Nisha M. Mehra, Assistant Government Pleader for the Respondent-State of Maharashtra in WP/8946/2025 and WP/10470/2025.
- Mr. A.I. Patel, Additional Government Pleader with Ms. V.R. Raje, Assistant Government Pleader for Respondent Nos.1 to 3-State of Maharashtra in WP/8946/2025, WP/10470/2025 and WP(ST)/24468/2025.
- Ms. P.N. Diwan, Assistant Government Pleader for the Respondent-State of Maharashtra in WP/9276/2025, IA(ST)/20158/2025 in WP/5460/2025.
- Mr. Sachit Bhogale, 'B' Panel Counsel for Respondent Nos.1 to 5 in WP/9977/2025.

- Mr. A.K. Naik, Assistant Government Pleader for Respondent Nos.2 and 3 – State of Maharashtra in WP/10321/2025; for Respondent Nos.1, 2 and 4 in WP/10432/2025; for the Respondents in WP/10497/2025.
- Mr. S.B. Kalel, Assistant Government Pleader for the Respondent-State of Maharashtra in WP/10433/2025.

O.O.C.J. WRIT PETITION (LODGING) NO. 17362 of 2025

- Mr. Swanand Ganoo, Advocate, i/by Desai Desai Carimjee & Mulla, for the Petitioner.
- Ms. Manisha Gawale, Assistant Government Pleader for Respondents Nos. 1 to 4-State of Maharashtra.

Appearance of the Officers of School Education & Sports Department, State of Maharashtra

- Mr. Abasaheb Kawale, Deputy Secretary, is present.
- Mr. Vishal Lohar, Desk Officer is present.
- Mr. Kunal Sarpate, Desk Officer is present.
- Mr. Dipak Patil, Superintendent, Pune is present.
- Mr. Amol Pawar, Superintendent, Pune is present.
- Mr. Pravin Gaikwad, Superintendent, Pune is present.

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

DATE : 4TH AUGUST 2025.

P.C. :

Mr. Abasaheb Atmaram Kawale, Deputy Secretary, School Education and Sports Department, State of Maharashtra, is present in the Court. On his instructions, Mr. Omkar Chandurkar, learned Additional Government Pleader has made a statement in the Court that the Deputy Secretary has received instructions from the Departmental Secretary to make a statement in the Court that services of the surplus teachers, if any, shall not be terminated. Let an affidavit be filed as stated by the learned Additional Government Pleader on instructions from the Deputy Secretary of the School Education and Sports Department.

2. A copy of the letter dated 10th January 2025 tendered in the Court is taken on record. A translated copy of the said letter is also produced on record.

3. Mr. Omkar Chandurkar, the learned Additional Government Pleader has contended that the mandate under the Right of Children to Free and Compulsory Education Act, 2009 (for short, 'RTE Act') has been religiously followed under the Government Resolution dated 15th March 2024.

4. The learned Additional Government Pleader would submit that this is not the mandate under the RTE Act 2009 that the State must provide number of teachers as indicated in the Schedule-II of the RTE Act inasmuch as the State has to maintain only pupil-teacher ratio. It is further submitted that to address the needs of the students, the State has devised a scheme for rotational deployment and re-employment of the teachers in nearby schools. With reference to the affidavit filed by the respondent-State, the learned Additional Government Pleader would contend that the apprehension raised on behalf of the teachers that in the garb of surplus teachers their services would be terminated is unfounded and such surplus teachers would be assigned to other schools and deployed in other schools where there are deficiency of teachers.

5. At the request of the learned counsel for the respondent-State, stand over to 6th August 2025 at 4:00 PM.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]