

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6300 OF 2025**

Vivek Vijay Pandit

....Petitioner

Versus

The State of Maharashtra and Ors.Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire and Mr. Aniket S. Phapale i/b. Mrs. Ashwini N. Bandiwadekar for the Petitioner.

Mrs. D.S. Deshmukh, AGP for Respondent Nos.1 and 2.

Mr. Sanskar Marathe for Respondent Nos.3 and 4.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 9th MAY, 2025

P.C. :-

1. **Issue notice to the Respondents**, returnable on 25th June, 2025. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 2. Mr. Marathe, the learned Advocate also waives service of notice on behalf of Respondent Nos.3 and 4.

2. Let the affidavits in reply be filed, at least, ten days prior to the returnable date.

3. The Petitioner prays for ad-interim protection. The Petitioner has acquired the qualification of M.A. [Economics] in

2011, B.Ed. in Marathi and Geography in 2011 and M.A. [Sociology] in 2024. He belongs to the open category. He was appointed as a full time Assistant Teacher in the subject of Economics and Cooperation, on 15th June, 2012 in the Junior College of Respondent No.4, on unaided basis. On 7th May, 2016, his appointment was approved on unaided basis. Every year, there was an approval that was granted.

4. In March, 2024, after passing M.A. [Sociology], he became eligible and qualified to teach the said subject at the Junior College. A sanctioned full time post of Teacher receiving 100% grant-in-aid for the subject Sociology, became vacant in the said Junior College. This vacancy occurred due to the Teacher in that post being transferred and promoted as Assistant Head Master of the Secondary School.

5. According to the Petitioner, he should be upgraded to the fully aided establishment in the light of Rule 41A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. The grievance is that the Management has published an

advertisement on the Pavitra Portal on 25th April, 2025 to fill in the post of Assistant Teacher [M.A. Sociology/Economics], through open competition. The petitioner contends that he is an M.A. in both these subjects and is already in employment for the last 13 years.

6. In view of the above, by way of ad-interim protection, we direct the Management not to fill in the post until further orders.

7. Office objections, if any, to be removed, on or before 18th June, 2025, failing which, this Petition shall stand dismissed without reference to the Court, on 19th June, 2025.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)