

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

WRIT PETITION NO. 13519 OF 2025

Nitin Raju Kokatare & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION NO. 13522 OF 2025**

Vikas Khandu Nadekar & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

...
Mr.Suresh Pakale, Senior Advocate i/b. Ms.Padmaja Malgaonkar for the
Petitioners in both the Petitions.

Mrs.Neha Bhide, Government Pleader with Mr.P.P.Kakade, Addl.GP and
Ms. Priyanka Chavan, AGP for Respondent Nos. 1 to 4, State in WP No.
13519 of 2025.

Ms.P.N.Diwan, AGP for Respondent Nos. 1 to 4 in WP No. 13522 of 2025.

...

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

DATE : OCTOBER 16, 2025

P.C:

1. The Petitioners claim to be identically placed. Accordingly,
prayer clauses (a), (b), (c), (d), and (e), have been adopted from Writ
Petition No.13519 of 2025, which read as under:

*“a) this Hon'ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of certiorari and/or a Writ in the nature of certiorari, and call for the papers and proceedings from the custody and of Respondent Nos. 1 to 5 and in respect of clause 4.3. of the Advertisement dated 29th September 2025 (**Exhibit I**) and after examining their legality, veracity and judicial propriety, quash and set aside the same;*

*(b) this Hon'ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of certiorari and/or Writ in the nature of certiorari, and call for the papers and proceedings from the custody and of Respondent Nos. 1 to 5 and in respect of clause 2 (a) & (b) of the Notification 18th July 2025 (**Exhibit H**) and after examining their legality, veracity and judicial propriety, quash and set aside the same;*

(c) this Hon'ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of Mandamus and/or Writ in the nature of Mandamus, Order and direction directing Respondent No.5 to accept and process the application form of the Petitioners treating them as qualified and possessing six years' experience as an Asst. Teachers with graduation for the purpose of Appointment to the post Kendrapramukh/Cluster Head/समूह साधन केंद्र समन्वयक (Group Resource Cluster Co-Ordinator);

(d) pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the effect, implementation, execution and operation of the impugned Clause 4.3 of the Advertisement dated 29th September 2025 and clause 2 (a) & (b) of the Notification 18th July 2025;

(e) pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to direct Respondent No. 5 Respondent No.5 to accept and process the application form of the Petitioners treating them as qualified and possessing six years' experience as an Asst. Teachers with graduation for the purpose of appointment to the post Kendrapramukh/Cluster Head/समूह साधन केंद्र समन्वयक (Group Resource Cluster Co-Ordinator);

2. The Maharashtra State Examination Council issued an advertisement dated 29th September 2025, initiating the process for promotion to the post of Cluster Head, *Kendra Pramukh* (Group Resource Cluster Coordinator). Clause 4 of the advertisement sets out the eligibility criteria. All the Petitioners are presently working as Trained Graduate Teachers. Clauses 4.2 and 4.3, are stated to be relevant to the Petitioners' claims in these Petitions. These two clauses read as under:

"४.२ जाहिरातीस अनुसरून निश्चित करण्यात आलेल्या अर्ज स्विकारण्याच्या अंतिम दिनांकास उमेदवाराने कोणत्याही मान्यता प्राप्त विद्यापिठाची बी.ए./बी.कॉम./बी.एस.सी. ही पदवी उत्तीर्ण होणे आवश्यक आहे आणि जिल्हा परिषदेच्या प्रशिक्षित पदवीधर शिक्षक (प्राथमिक) किंवा प्रशिक्षित शिक्षक (प्राथमिक) या पदावर किमान सहा वर्षे अखंडीत सेवा पूर्ण करणे आवश्यक आहे. यासाठी शिक्षण सेवक पदावरील सेवा ग्राह्य धरण्यात येईल.

४.३ दि.०१/०१/२०२५ रोजी अखंड नियमीत सेवेचा कालावधी विचारात घेण्यात येईल."

3. The contention of the learned Senior Advocate for the Petitioners is that Clause 4.3 is contradictory to Clause 4.2. According to him, Clause 4.2 mandates that the candidates must have acquired a B.A., B.Com and B.Sc degree and should be working as Graduate Trained Teachers (Primary) OR as Trained Teachers (Primary), with the Zilla Parishad, for an uninterrupted service of 6 years, as on the last date of receiving the application forms in terms of the advertisement. The last date is 10th November, 2025. This includes their tenure as *Shikshan Sevak*. In short, by adding three years of service as *Shikshan Sevak*, such candidates must have completed a further three years tenure as Trained Teachers (Primary). Both categories are required to achieve the eligibility criteria as on 10th November 2025.

4. With this plain and simple interpretation of Clause 4.2, all the Petitioners are eligible to be considered for promotion, as on 10th November, 2025. The grievance is that Clause 4.3 introduces a condition that “uninterrupted regular service” shall mean 6 years of uninterrupted service as on 1st January, 2025. Hence, the contention is that if 10th November, 2025 is the date for considering eligibility of 6 years of service, the cut off date for eligibility cannot be 1st January, 2025 in a subsequent

clause. This would be self-contradictory.

5. The learned Addl.GP/ AGP have tendered a compilation of four pages. The same is taken on record and collectively marked as 'X-1' for identification. Page one of 'X-1' is a communication dated 15th October, 2025 addressed to the learned AGP informing him that a corrigendum to the advertisement has been issued. The corrigendum is at page 3 below 'X-1'. The same is in relation to Clauses 4.2 and 4.3, which now read as under :

"४.२ जाहिरातीस अनुसरून निश्चित करण्यात आलेल्या अर्ज स्विकारण्याच्या अंतिम दिनांकास उमेदवाराने कोणत्याही मान्यता प्राप्त विद्यापिठाची बी.ए. बी.कॉम. बी.एस.सी. ही पदवी उत्तीर्ण होणे आवश्यक आहे.

४.३ शासन निर्णय दिनांक २९/०८/२०२५ नुसार मुद्दा क्र. (३) मधील ब) ii) अन्वये दि.०१/०१/२०२५ रोजी अखंड नियमीत सेवेचा कालावधी विचारात घेण्यात येईल. आणि जिल्हा परिषदेच्या प्रशिक्षित पदवीधर शिक्षक (प्राथमिक) किंवा प्रशिक्षित शिक्षक (प्राथमिक) या पदावर किमान सहा वर्षे अखंडीत सेवा पूर्ण करणे आवश्यक आहे. यासाठी शिक्षण सेवक पदावरील सेवा ग्राह्य धरण्यात येईल."

6. We find that, as per the corrigendum, two different cut-off dates for eligibility, i.e. 10th November, 2025 and 1st January, 2025 have been created. This is contradictory.

7. As such, two aspects arise out of the above fact situation. **Firstly**, there cannot be two different cut-off dates for such categories, *save and except*, where a distinction can be justified on the basis of the doctrine of ‘intelligible differentia’, in relation to two groups. This is not the case before us. **Secondly**, *prima facie*, we do not find the action of the Council to be justified as the advertisement is subjected to a corrigendum, after it has been published.

8. In view of the above, a strong arguable case has been made out by the Petitioners. Therefore, **issue notice** to the Respondents, returnable on 17th November, 2025. The learned Government Pleader and the learned AGP waive service of notice on behalf of respective Respondent Nos. 1 to 4, State.

9. Let the affidavit in reply be filed, on or before 13th November, 2025.

10. In the meanwhile, we direct that the Petitioners, or similarly situated candidates, shall be permitted to file their applications for consideration for promotion to the post of Cluster Head/Kendra Pramukh. In the event any of them is selected in the promotional exercise, until these Petitions are decided, no rights would be created in favour of such

candidates and any such selection would be subject to the result of these Petitions.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)