

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 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 Chandi Wade and Ors.	.. Petitioners
The Hind Education Society, Miraj 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.21996 OF 2025 IN WRIT PETITION NO.5456 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

Dnyaneshwar Balasaheb Sonawane

.. Applicant

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. Niranjan 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. Balaji Shinde for the petitioner in WPST/13145/2025, WP/5759/2025 and CP/412/2025.
- 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. Balaji Shinde, Advocates for the Petitioner in WP/10321/2025.
- Mr. Sunil Gosavi, for the Applicant in IAST/25647/2 in WP/5456/2025.

Appearances for the Respondents in all the Writ Petitions

- Mr. Rui Rodrigues a/w Ms. Gargi Warunjikar & Mr. Sagar Ambedkar, for Respondent No.1-UOI in WP (ST)/16603/2025 and CP/412/2025.
- Mr. Rui Rodrigues with Mr. Vinit Jain and Mr. Gaurav Mhatre, Advocates for the Respondent-UOI in WP/8239/2025 and WP/8753/2025.
- 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
- Mr. C.G. Gavnekar a/w Mr. Ashutosh Gavnekar & Mr. Rohit Parab for the respondent – Z.P. Raigad.
- Mr. Shrikant Dinkar Patil for the Respondent Nos.8 and 9-ZP Ahilyanagar in WP/8754/2025.

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 the Respondent Nos.1 to 4.
- Mr. A.I. Patel, Additional Government Pleader with Mr. Kushal Amin, 'B' Panel Counsel for the Respondent Nos.1 to 4.
- Mr. B.V. Samant, Additional Government Pleader with Mr. V.G. Badgujar, Assistant Government Pleader for the the Respondent Nos.1 to 4.
- Mr. O. A. Chandurkar, Additional Government Pleader with Mrs. G.R. Raghuvanshi, Assistant Government Pleader for the Respondent Nos.1 to 4.
- Ms. N. M. Mehra, Assistant Government Pleader for the Respondent the Respondent Nos.1 to 4.
- Ms. D. S. Deshmukh, Assistant Government Pleader for the Respondent Nos.1 to 4.
- Mr. Sachit Bhogale 'B' Panel Counsel for the Respondent-State of Maharashtra.
- Mrs. V.R. Raje, Additional Government Pleader for the Respondent Nos.1, 2 & 4-State.

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.
- Ms. P.N. Diwan, 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 with S.H. Kankal, AGP for Respondent Nos.1, 2 and 4, for the Respondent-State of Maharashtra in WP/8946/2025
- Mr. A.I. Patel, Additional Government Pleader with Mr. K.S. Thorat, Assistant Government Pleader for the Respondent Nos.1 to 4-State of Maharashtra in WP/8946/2025 and WP/10470/2025.
- Mr. A.I. Patel, Additional Government Pleader with Ms. P.B. Chavan Assistant Government Pleader for Respondent Nos.1 to 3-State of Maharashtra in WP/8946/2025, WP/1043210470/2025 and WP(ST)/24468/2025.

- Ms. V.R. Raje, Assistant Government Pleader for the Respondent-Nos. 1 and 2 - State of Maharashtra in WP/9276/2025.
- Ms P.N. Diwan, AGP for the respondent Nos.1, 2 and 4 in Writ Petition No.10213 of 2025.
- Mr. Sachit Bhogale, 'B' Panel Counsel for Respondent Nos.1 to 5 in WP/9977/2025.
- Mr. S.B. Kalel, Assistant Government Pleader for the Respondent Nos.1, 2 and 4-State of Maharashtra in WP/10433/2025.
- Mr. A.I. Patel, Addl.GP a/w Mr. S. H. Kankal, AGP for the respondent nos.1, 2 and 4.
- Mr. S.S. Pakale, Senior Advocate a/w Mr. Saurabh Pakale & Mr. Nilesh Desai, for the respondent Nos.1 to 5 in WP/10497/2025.

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

- Mr. Girish Godbole, Senior Advocate with Mr. Swanand Ganoo, Mr. Aditya N. Raut, Advocate, i/by Desai Desai Carimjee & Mulla, for the Petitioner.
- Ms. Manisha Gawde, Assistant Government Pleader for Respondents Nos. 1 to 4-State of Maharashtra.

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

DATE : 14TH AUGUST 2025.

P.C. :

Mr. Girish Godbole, the learned senior counsel appearing for the Shikshan Mandal, Goregoan in Writ Petition (L) No.17362 of 2025 endeavoured to demonstrate how the Government Resolution dated 15th March 2024 works out contrary to the Scheduled-II of the Right of Children to Free and Compulsory Education (RTE) Act, 2009. The learned senior counsel has also submitted that the provisions under Clause 7.2 of the said Government Resolution is completely illegal inasmuch as the respondent Authority has undertaken such decision making process that borders irrationality. The learned senior counsel has also referred to the decision in "Rajneesh Kumar Pandey vs. Union of India" (2021) 17 SCC 1 to submit that the Government Resolution which fixed a minimum number of the teachers below the number indicated under the Schedule is illegal.

2. In the rejoinder, the learned Additional G.P. has reiterated his submissions to the effect that the RTE Act only provides for maintaining

the pupil-teacher ratio and the same has been maintained all through different clauses under the Government Resolution dated 15th March 2024. As to making a provision for part-time teachers for Arts, Music Health Inspector, etc, the learned Additional G.P. submitted that after introduction of online procedure for grant of approval, the total number of teachers has been increased. Mr. Onkar Chandurkar, the learned Additional G.P. has tendered copies of the decisions in *Society for Unaided Private Schools of Rajasthan Vs. Union of India & another*” (2012) 6 SCC and the decision by High Court in “*Devendra Rajoriya Vs. State of M. P. and others*” (2021) MPLJ.

3. Arguments are heard. The judgment is reserved.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]