



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4067 OF 2026

MAHA. RAJYA PRATHMIK SHIKSHAN SAMATI, PUNE, BR. WARDHA, THR.
PRESIDENT, VIJAY D. KOMBAY AND ANR.

VS

STATE OF MAHARASHTRA, THR. SECRETARY, DEPT. OF SCHOOL EDUCATION
AND SPORTS, MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. B.G. Kulkarni, Advocate for the petitioner/s
Mr. D.P. Thakre, Addl. G.P. for the respondent Nos.1 to 5/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 10.06.2026

P.C.

1. Heard.

2. In the present matter, the Circular dated 28.03.2026 issued by the Director of Education directing reopening of all schools across the State of Maharashtra with effect from 15.06.2026, is under challenge.

3. During the pendency of the present petition, the said decision has been modified by the Director of Education by issuance of a subsequent Circular dated 09.06.2026, whereby it has been now decided to reopen the schools in Vidarbha Region from 22.06.2026 instead of 15.06.2026.

4. At the outset, the learned Additional Government Pleader submits that, in view of the Circular dated 09.06.2026, the grievance raised by the petitioners no longer survives.

5. We are unable to accept the said submission and the same is rejected, for the reason that the impugned decision is in contravention of the directions issued by the Coordinate Bench of this Court in Writ Petition No.1165 of 2007 (*Citizen Forum Maharashtra Vs. State of Maharashtra and others*) and other connected petitions, vide judgment dated 08.06.2007.

6. From the record, it is evident that the decision to reopen all schools across the State of Maharashtra on 15.06.2026 has been taken to maintain uniformity in the reopening schedule throughout the State. Except for the said consideration of uniformity, there was no other reason for fixing 15.06.2026 as the date for reopening of all schools across the State.

7. It is pertinent to note that both the State of Maharashtra and the Director of Education were fully aware that a similar decision had been taken in the year 2007 on the very same ground of maintaining uniformity in the academic schedule and the said decision was the subject matter of challenge before this Court.

8. This Court, in the said matter, vide judgment dated 08.06.2007, held that such action of the Government totally lacks reasonableness and fairness which plays the

role of the foundation of Article 14 of the Constitution of India.

9. The Coordinate Bench, after taking into consideration high temperatures in Vidarbha Region during the Month of June and its possible adverse impact on the health of students, has categorically held that such a decision in respect of the Vidarbha Region is unreasonable.

10. Then, the Government Resolution dated 20.04.2023 was issued in line of the above mentioned directions of this Court, which stipulated reopening of schools in the Vidarbha Region from 30th June or the next working day in the event of 30th June being a holiday.

11. Despite this, the Director of Education, without any apparent authority, issued the impugned Circular overriding the Government Resolution dated 20.04.2023.

12. In the circumstances, it is important to reproduce the findings of the Coordinate Bench of this Court recorded in the above referred judgment, which read thus:

19. Situation, that emerges, is as follows :-

[a] The set of Rules in existence for a long. duration governing the field are Rule 52.1 of the Secondary School Code and Section 13 (2) (g) of the Bombay Primary Education Act which prescribe the powers as to who shall decide the time limit or calendar opening of the schools in the district of concerned.

[b] The Government decision dated 18th January, 1995 was adopted for implementing the National Education Policy which does not, in any manner, mandate uniformity in the matter of calendar. It, on the other hand, prescribes in its very opening para that Public the Holidays and other

holidays, vacations etc., shall be so organized that those would need the requirements of local environment and that there shall be due flexibility.

[c] The circumstances, which led to the commitment adopted in Government Resolution dated 18th January, 1995 [Annex.A in Writ Petition No. 2367 of 2007 at page 16] have not undergone any change either at State level or at the national level.

[d] There has been insistence for uniformity on the part of the State without demonstrating exact needs and reasons as to why is the uniformity insisted for and what was that factual matter which warranted rigorous implementation of uniformity in the matter of calendar.

[e] Allegations and arguments objecting uniformity and claiming distinctness and differential treatment in the matter of fixing the calendar for Vidarbha are not based sheerly on a demand found on fancy or caprice or a bare logic, but are based upon the distinctness in the geographical and meteorological fact and practice prevailing over decades.

[f] The Government is oblivious to the fact that the educational atmosphere in all the schools as to school buildings or other thermo-resistant situation is not similar.

[g] The Government does not have, or has at least failed to bring before the Court the exact data, i.e., the population which is catered by two shifts school and as to how this situation is to be met.

[h] The Government has not denied the factual matrix, namely there are large number of schools where the students are required to travel or walk a distance between one to five kilometers for attending the schools and has sheerly denied possibility which is an evasive denial.

[i] The Government assumes that in all schools, there is adequate and fair arrangement of supply of water, first aid and primary assistance required for meeting calamity of sunstroke etc., but does not make positive statement that all these arrangements do factually exist.

[j] While the Government's denial in its reply dated 26th July, 2006 as well as in Affidavit-in-Reply dated 8th June, 2007 that the claim of the petitioner in Writ Petition No. 1165 of 2007 that the meteorological record reveals that between 12th and 17th June, 2000 temperature between 45 to 47 degrees Celsius was reached is technically correct, however, is not faithful to the spirit, since the temperature nearing 40 Degrees Celsius is shown in the annexures to

the Writ Petition, and it has not been duly met by the State Government.

[k] The Government alone has entire record with it not only as to what was the minimum and maximum temperature as well as what was the exact span of higher temperature, which makes a mark of distinction of the heat in Vidarbha Region. The Government has failed to call for and advert to this data.

20. In the aforesaid background, this Court finds that the decision of the Government in initially arriving at a policy of bringing uniformity and then declining to alter it is based on failure to consider the factual distinction vis-a-vis Vidarbha Region, which was readily available to the Government, was not called for. The process of re-consideration has been shown to have been undertaken without there being any sincere and faithful desire to open mindedly examine the issue. The action of the Government in departing from the existing practice of rationally distinguishing between different territories located in the vast range of 800 kms., between Mumbai to Nagpur, Bhandara or Chandrapur amounts to arbitrary conduct in the matter of abolishing the differential treatment and hence is liable to be regarded and held as arbitrary.

*22. & 23. ****

24. The failure of the State to advert to and take the opinion of uninvolved medical experts who have experience of working in Vidarbha Region and not just who are designated as Officers working on particular posts in Vidarbha Region as well as failure of the State to collect the meteorological data relating to the effect of duration of excessive heat and hot summer in various places in Vidarbha Region reveals failure to collect material necessary for reaching a decision. All this conduct, according to the petitioners, is falling within the purview of arbitrariness and irrationality.

25. ...

26. This Court finds that the Government has not shown open-mindedness in collecting material, putting a finger on a point that at no point of time the temperature was found to be within 45 to 47 Degree Celsius and declining to consider the representations and thereupon failure to bring exact data, and when approached, failure to decline to consider the same, is a conduct which is totally arbitrary and not befitting a Government of people, for the people

and by the people. Whether data relating to temperature in various districts of Vidarbha Region which has been noted by this Court in paragraph no. 7 of this Judgment was available before the Government, all that the Government was required to do is to ascertain whether the said higher temperature was for a few seconds only and what was that figure of temperature which pervaded for a longer duration and created the Vidarbha Region hot summer. This Court is aware that the higher decree of temperature recorded on the basis of the mercury in the thermometer only indicates attaining of highest temperature, but its duration when it remains for longer even an hour or two, indicates its impact on the flora and fauna of which human beings are a part.

27. In this background, the action of the Government totally lacks reasonableness and fairness which plays the role of the foundation of Article 14 of the Constitution of India. In the result, this Court is satisfied that the petitioners have made out a case for making the Rule absolute, however, limited to the extent of the Government decisions impugned, namely 30th April, 2007 and 17th April, 2006, shall not apply to Vidarbha Region. This attitude of the Govt. answers to any other description of its own conduct being arbitrary and is, therefore, liable to be quashed.

28. This Court is satisfied that this Court cannot hold its hands and feel itself bound by restrictions which are either self-imposed, or are found in the precedents that the Courts ought not, or shall be extremely slow in granting any indulgence and interfering in the matters of policy of Executive of the State. This Court has found, as recorded herein before, that present is a case where question of health and safety of large number of students of tender age is involved. The decision of the State Government has failed to withstand the test of reasonableness. This is so particularly when the State Government has, in spite of all equipments at its disposal, failed to secure the record from the Department of Meteorology and opinion of experts in the Health Services in Vidarbha Region as to the effect of long duration of high temperature prevailing in Vidarbha Region in the second half of June, as was recorded and was seen in past. This issue, therefore, reveals to be an issue of public interest, public health, security and welfare of students. The Courts entertaining judicial review, either High Courts or the Apex Court, have always shown

inclination of interference in the matters of policy of State, action or inaction, wherever the questions of fundamental rights, touching the matters of environment, public safety and security, public health have arisen, the Courts have interfered. The compass of Articles 14 and 21 of the Constitution of India, even when read in isolation, stands enlarged and more so when they are read together. Their application to the present case, in certain terms, warrants, and renders the said warrant of interference emergent as well. The protective classification, which was liable to be done qua the students of tender age taking education in Vidarbha Region, has not been done by the State. On the other hand, a distinct treatment, which was made available in past, and was prevailing for decades has been abolished by the State without any rational or a reasonable ground being available. Moreover, it is not shown that any such material was available nor is placed on record before this Court. This Court is, therefore, satisfied that present is a fit case of judicial review of the Government decisions, which have led to filing of this petition, ought not be applied to Vidarbha Region.

29. In the result, this Court is of the view that the decision to open the schools uniformly is not liable to be applied to the Vidarbha Region. The Government will have to re-examine the issue and work duration of out a new calendar which will comprise of adjustment or re-schedulement, reduction etc., in the duration of different vacations, curtailment of Public Holidays and deferring of the date of opening up to 1st July or any date proximate thereto.”

13. Since the Co-ordinate Bench of this Court has already dealt with the very issue involved in the present petition in detailed, and recorded its findings, which was confirmed by the Hon’ble Supreme Court by dismissing the Special Leave to Appeal (Civil) No(s).10559 of 2007, preferred by the State of Maharashtra, the Director of Education ought not to have issued the impugned circulars, which are contrary to the directions issued by this Court in

the aforesaid matter.

14. Though the action of the Director of Education is contemptuous, this time we refrained us from initiating contempt proceedings against him. However, we make it clear that in future, if the Director of Education or any other officer of the State issues any circular or takes any action contrary to the judgment referred to herein above, this Court may be constrained to initiate appropriate proceedings under the Contempt of Courts Act against the concerned officer.

15. Accordingly, for the reasons recorded herein above, the impugned circulars dated 28.03.2026 and 09.06.2026 are hereby quashed and set aside. The respondent–State is directed to act in accordance with the Government Resolution dated 20.04.2023 and take necessary steps for reopening the schools in the Vidarbha Region.

16. The petition is **disposed of** in the above referred terms.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)