

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

WRIT PETITION NO. 4364 OF 2026

ANUPAM RAJENDRAKUMAR SHARMA

Vrs.

THE STATE OF MAHARASHTRA AND OTHERS

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

Court's or Judge's Order

Shri Rahul Shiralkar and Shri Naval Shiralkar, Advocates for
petitioner.
Shri C. A. Lokhande, AGP for respondent Nos.1 and 2.

CORAM: RAJ D. WAKODE, J.

DATE : 26/05/2026

1. Heard Shri Naval Shiralkar, learned counsel for the petitioner.
2. The petitioner seeks challenge to the impugned action of the respondent No.4 and respondent No.2 in retaining the respondent No.5 as a trained Graduate Teacher and in declaring the petitioner as a surplus teacher.
3. The contention is that as per the staffing pattern which is at record Page No.44, there are two sanctioned posts of Graduate Teacher for 6th Standard to 8th Standard. The eligibility for the said post of Higher Primary Teacher for 6th Standard to 8th Standard is mentioned in Government Resolution dated 07/02/2019 which is at record Page No.36 (Annexure-F). Clause 1.2 provides that the Graduate Teacher for teaching the

Higher Primary i.e. 6th Standard to 8th Standard should possess the qualification as mentioned in Schedule-B.

4. Perusal of the Schedule-B which is at record Page No.42 reveals that at Sr.No.1, the desired qualification is B.Ed.

5. Shri Shiralkar, learned counsel for the petitioner has invited my attention to the seniority list which is at record Page No.28 wherein it is revealed that respondent No.5 – Madhusudan Sukhdeorao Vyawahare is possessing the qualification of B.A. D. Ed. whereas the petitioner is at Sr.No.3 and is possessing qualification of B.Com. B.Ed.

6. In spite of aforesaid fact, respondent Nos.2 and 4 have declared the present petitioner as surplus teacher and has retained the respondent No.5 as a Trained Graduate Teacher who is not possessing the mandatory qualification of B.Ed.

7. In view of the above, issue notice to the respondents, returnable on **15/06/2026**.

8. Learned AGP waives service of notice for respondent Nos.1 and 2.

9. In the meanwhile, the respondent Nos.2 and 4 are directed to continue the petitioner as a Trained Graduate Teacher at the place he is working in Municipal Council's School No.7, Akot, till the returnable date.

[JUDGE]