



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

**WRIT PETITION NO. 4433 OF 2026**

Dinesh Shasnkhar Zadkhande and ors Vs. State of Maharashtra and ors.

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

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Mr P.P. Thakre, Advocate for the petitioners.  
Mr. S.S. Hulke, AGP for the State.

**CORAM : RAJ D. WAKODE, J.**

**DATE : 30.05.2026**

- (1) Heard Mr. P.P. Thakre, learned counsel for the petitioners.
- (2) The petitioners are the teachers appointed on temporary basis till they are regularly appointed working with respondent No.5 -Zilla Parishad ,Amravati.
- (3) The petitioners have approached this Court seeking challenge to the provisions of Government Resolution dated 11.02.2026 issued by respondent No.1- Government of Maharashtra thereby providing 50% reservation for ST category for appointment of Assistant Teachers in Panchayat Samittee Dharni and Chikhaldhara i.e. PESA area, excluding other reserved castes category candidates.
- (4) Mr. Thakre, learned counsel for the petitioners has invited my attention to the earlier Government Resolution dated 28.02.2023 issued by respondent No.1 providing such reservation of 50% for Scheduled Tribe

Category.

(5) The challenge to the aforesaid Government Resolution is pending consideration before Hon'ble Supreme Court of India in SLP No.22109/2023. The Hon'ble Supreme Court on 06.10.2025 has recorded that the issue as to whether the reservation can exceed 50% or not is required detailed consideration. However, considering the request of the Zilla Parishad that the recruitment process of teachers cannot be stalled for tribal areas, in view of such challenge, the Hon'ble Supreme Court in paragraph No.3 has specifically held that pending consideration of the aforesaid issue involved there, should be no impediment if the respondents/State and/or all the concerned Zilla Parishad Schools are permitted to fill in 50% of posts from the reserved category. The aforesaid order dated 06.10.2025 passed by the Hon'ble Supreme Court is at record page No.60 (Annexure-X).

(6) Learned counsel for the petitioners submits that in spite of such challenge pending before Hon'ble Supreme Court and the interim order passed therein, respondent No.1 has again issued impugned Government Resolution dated 11.02.2026, providing 50% reservation for ST category vide clause No.1 of the aforesaid resolution, hence this challenge.

(7) Learned counsel for the petitioners has invited my attention to the communication dated 08.05.2026 issued by the Commissioner Education, Maharashtra State, Pune,

thereby initiating the process of recruitment in pursuance to the aforesaid Government Resolution through pavitra portal.

(8) In view of the above, issue notice to the respondents, returnable on 10.06.2026.

(9) Mr. S.S. Hulke, learned AGP waives service of notice for respondent Nos.1 to 4/State.

(10) Petitioners to serve respondent Nos.5 and 6 by usual mode so also private mode.

(11) In the meantime, if any appointments are made pursuance to the impugned Government Resolution dated 11.02.2026 and the communication dated 08.05.2026 issued by respondent No.3, so far as the posts of Assistant Teachers in Panchayat Samittee, Dharni and Chikhaldara under Zilla Parishad, Amravati are concerned the same shall be subject to the result of the present petition.

**(RAJ D.WAKODE, J.)**