

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

**WRIT PETITION NO. 7054 OF 2023
WITH
INTERIM APPLICATION NO. 16462 OF 2023**

Shantamallayya Mahanandayya Swami & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents.

Mr. Suresh Pakale, Sr. Counsel a/w. Mr. Nilesh Desai, Mr. Santosh Devadkar, Mr. Datta Pawar, for Petitioners.

Mr. Vikas M. Mali, AGP for Respondent Nos. 1 to 4.

Mr. Ashok Misal, for Respondent Nos. 5 and 6.

**CORAM: BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.
DATED : 08th JANUARY, 2025**

P.C:-

1. The affidavit filed by the Education Officer(Primary) Zilla Prarishad, Solapur on 27th November, 2024 has disputed the eligibility of the Petitioners to be appointed on the post of Kendra Pramukh in terms of the Maharashtra Zilla Prarishad District Services (Recruitment) (Second Amendment) Rules, 2014 and the affidavit states thus :

“15) I state that at the time of Counseling and scrutiny of documents, it is revealed that on 16/08/2014, the petitioners Nos. 1 to 7, 10,11,13,15 & 16 were posted as graduate teacher for Language/Sociology subject and thereafter in the year 2022, they have completed their B.S.C degree. I further state that considering their eligibility on basis of passing 12th exam in science subject, they are posted as science subject teacher on 29/06/2022 and since then they are working as science subject teacher. I further state that petitioner nos- 8,9,12 & 17 have posted as graduate teacher for Language/Sociology subject and thereafter in the year 2022, they have completed their B.S.C degree, however they don't have any experience of science subject teacher (primary). I state that all the petitioners have completed their B.S.C degree in the year 2022 and therefore they have not completed 6 years continuous service as trained graduate teacher (Primary) in Zilla Parishad and therefore they were put in waiting list in said final seniority list dated 9th of October 2023 until receipt of clarification/guidance from higher authorities. Here to annexed & marked as Exhibi-O is copy of letters dated-23/10/2023, 29/11/2023, & 28/8/2024.”

2. The learned Counsel appearing for the Zilla Parishad had invited our attention to the eligibility criteria prescribed in 2014 Rules which contemplates that the promotion of a suitable candidate shall be made on the basis of seniority and one who has completed not less than 3 years continuous service on the post of Trained Graduate Teacher(Primary) in the Zilla Parishad is entitled to be promoted. However, since the Petitioners failed to

fulfil the said criteria, they are not found to be eligible.

3. Since the grievance of the Petitioner is about their non-consideration for the promotion of the post and a specific stand is adopted by the Respondent, without any rejoinder being filed, at this stage, we take this as a statement coming from the Respondent. However, Mr. Pakale states that the statement made in the affidavit is incorrect. We permit him to file a rejoinder affidavit only restricting himself to this aspect. Let the affidavit be filed on or before 15th January, 2025 with an advance copy being served on the Learned Counsel for the Zilla Parishad and learned AGP. Re-notify to 21st January, 2025.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)

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