



Gitalaxmi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 21058 OF 2023

Uttam Walke & Ors

...Petitioners

Versus

The State of Maharashtra & Ors

...Respondents

Mr Sanjeevkumar Bapu Deore, *for the Petitioners.*

Ms PN Diwan, AGP, *for the Respondent-State.*

CORAM G. S. Patel &
Neela Gokhale, JJ.

DATED: 9th August 2023

PC:-

1. Mentioned. Not on Board. Taken on Board.
2. The Petitioners have given notice.
3. This Petition is similar to the Writ Petition (St) No. 32913 of 2022 in which on 31st July 2023 we passed the following order:

“1. The Affidavit in Reply of 6th April 2023 does not answer or address the question raised in the Petition. Mr Deore’s clients, the 167 Petitioners, are all teachers. They do not oppose being deputed to work on election duty as Block Level Officers (“BLOs”). The grievance is different. It is that they are being made to work almost *only* as BLOs,

or that far too much of their education and teaching time is spent on election duty. For example, it is pointed out from page 105 that one of the persons in that list at Sr. No. 2 has served on election duty for a total of 2550 days in a five-year period between 2010 and 2015. The total number of days per year on election duty was 305. The person at Sr. No. 1 has actually performed BLO duties for 365 days in a year, 2550 in all between the period 1995 and 2001. There are others who have also served long stretches on block level duties.

2. The question, therefore, is not whether or when these persons are deputed or have been deputed, or the requirements of the Election Commission, but what policy prevails to decide which teachers can be assigned to election duty, what is the maximum amount of election duty that can be assigned to them, and other applicable norms and procedures. We are unwilling to accept that a teacher or a Shikshan Sevak can be relieved of all teaching duties and be made to perform only election duty, being nearest at hand and most conveniently available for elections. To be perfectly clear, we are not dealing only with State, Central or even District level elections, but elections of almost every kind.

3. We need a supplementary Affidavit from the State Government addressing this question as to the maximum period and the rotation policy that is applied to education teachers. In particular, we need an explanation to the figures shown at page 105 at Exhibit E. Let that Affidavit be filed by 17th August 2023.

4. List the Petition on 22nd August 2023.

5. Previous orders to continue until then.”

4. The same order will apply in this order also.

5. List the Petition on 5th September 2023.

(Neela Gokhale, J)

(G. S. Patel, J)

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