

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 788 OF 2024

TATYA MADHUKAR MALI & ORS.

PETITIONER(S)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

RESPONDENT(S)

O R D E R

1. Rule nisi.

2. This writ petition is filed by the petitioners who despite having been qualified as successful candidates for the post of Deputy Education Officer, got caught in the cross fire of a pending litigation¹ between those claiming to be *primary teachers* and the State. In this petition under Article 32 of the Constitution they assert that they are not concerned with the pending litigation and seek publication of final merit list so that their names may be cleared and recommended for the post of Deputy Education Officer.

3. Mr. Neeraj Kishan Kaul, learned senior counsel appearing on behalf of the petitioners would submit that his clients are either

¹ SLP (C) No. 24742/23, SLP(C) No. 24741/2023, SLP(C) No. 25316/2023, SLP(C) No. 24980/2023, SLP(C) No. 516/2024, SLP (C) No. 3021/24, SLP (C) No. 21861/24, SLP (C) No. 21863/24, SLP (C) No. 30041/24 and D. No. 40855/23.

occupying the posts Extension Officers or Secondary Teachers in Education Department or Secondary Schools of various Zilla Parishads and Panchayat Samitis in Maharashtra. It has been submitted that these units form part of District Technical Service (DTS)-III (Non-Gazetted Posts) which becomes feeder category to the post of Deputy Education Officer. He would further submit that position of these officers namely, the Extension Officers or Secondary Teachers stand on a different footing from that of the other petitioners before us who seek to be equated with the Assistant Teachers in this District Technical Services-III (Non-Gazetted Posts).

4. In this view of the matter, we dispose of the writ petition with a clarification that their cases may be processed independently and without reference to the pending Special Leave Petitions. We also make it clear that the pendency of the Special Leave Petitions including the interim orders passed therein will have no bearing on the decision that the Government may take. Issues concerning *inter se* seniority, if any, between the writ petitioners and the petitioners in the batch of Special Leave Petitions can be decided after disposal of the Special Leave Petitions.

5. Mr. Ram Apte, learned senior counsel appearing on behalf of the respondent-State has fairly submitted that if the writ petitioners make a representation to the State, their cases will be

considered and processed within five weeks.

6. With this clarification and directions, the writ petition stands disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[JOYMALYA BAGCHI]

NEW DELHI;
APRIL 29, 2025

ITEM NO.8

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 24742/2023

[Arising out of impugned final judgment and order dated 15-09-2023 in WP No. 8243/2019 passed by the High Court of Judicature at Bombay]

CHANDRAKANT SOPANA SHINDE & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No. 15353/2024 - CLARIFICATION/DIRECTION
IA No. 15356/2024 - EXEMPTION FROM FILING O.T.
IA No. 266854/2023 - INTERVENTION/IMPLEADMENT
IA No. 98316/2024 - INTERVENTION/IMPLEADMENT

WITH

Diary No(s). 40855/2023 (IX)

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 208570/2023

FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 208573/2023

FOR EXEMPTION FROM FILING O.T. ON IA 208579/2023

FOR CLARIFICATION/DIRECTION ON IA 15170/2024

FOR EXEMPTION FROM FILING O.T. ON IA 15171/2024

IA No. 15170/2024 - CLARIFICATION/DIRECTION

IA No. 15171/2024 - EXEMPTION FROM FILING O.T.

IA No. 208579/2023 - EXEMPTION FROM FILING O.T.

IA No. 208570/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 208573/2023 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

SLP(C) No. 24741/2023 (IX)

SLP(C) No. 25316/2023 (IX)

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 226940/2023

IA No. 226940/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 24980/2023 (IX)

FOR INTERVENTION APPLICATION ON IA 6545/2024

FOR EXEMPTION FROM FILING O.T. ON IA 6548/2024

IA No. 6548/2024 - EXEMPTION FROM FILING O.T.

IA No. 6545/2024 - INTERVENTION APPLICATION

SLP(C) No. 516/2024 (IX)

IA No.259681/2023-PERMISSION TO FILE LENGTHY LIST OF DATES

IA No. 259681/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES

SLP(C) No. 3021/2024 (IX)

FOR PERMISSION TO FILE SUPPLEMENTARY ADDITIONAL COUNTER

AFFIDAVIT/AFFIDAVIT ON IA 224822/2024

**IA No. 224822/2024 - PERMISSION TO FILE SUPPLEMENTARY ADDITIONAL
COUNTER AFFIDAVIT/AFFIDAVIT**

SLP(C) No. 21861/2024 (IX)

**FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
207169/2024**

FOR EXEMPTION FROM FILING O.T. ON IA 207170/2024

**FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
207171/2024**

**IA No. 207169/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT**

IA No. 207170/2024 - EXEMPTION FROM FILING O.T.

**IA No. 207171/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

SLP(C) No. 21863/2024 (IX)

FOR EXEMPTION FROM FILING O.T. ON IA 201193/2024

**FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
201194/2024**

IA No. 201193/2024 - EXEMPTION FROM FILING O.T.

**IA No. 201194/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

W.P.(C) No. 788/2024 (X)

FOR ADMISSION

SLP(C) No. 30041/2024 (IX)

**IA No.280603/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.280604/2024-EXEMPTION FROM FILING O.T.**

Date : 29-04-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE JOYMALYA BAGCHI**

For Petitioner(s) : Mr. Aaditya Aniruddha Pande, AOR

**Mr. Vishwajit Singh, Sr. Adv.
Mr. Shivaji M. Jadhav, AOR
Mr. Brij Kishor Sah, Adv.
Mr. Vignesh Singh, Adv.**

Mr. Aditya S. Jadhav, Adv.
Mr. Rohan Wadhwa, Adv.
Ms. Sneha Lata Mishra, Adv.
Mr. Deepak Singh Poonia, Adv.+

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Awanish Sinha, AOR
Mr. Ashok Kumar Singh, Adv.
Mr. Varun Tyagi, Adv.
Mr. Ritwik Mohapatra, Adv.
Mr. Toshiv Goyal, Adv.

Mr. Preshit Vilas Surshe, AOR
Mr. Savita Suryawanshi, Adv.
Mr. Tarun Kumar, Adv.

Ms. Uttara Babbar, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Rayana Mukharjee, Adv.
Ms. Sanjana Grace Thomas, Adv.
Ms. Tara Elizabeth Kurien, Adv.
Mr. D.p.singh, Adv.

M/S. Lawyer S Knit & Co, AOR
Ms. Bina Madhavan, Adv.
Mr. Eeshan D. Khaire, Adv.
Mr. Tushar Singh, Adv.
Mr. S. Tridev Sagar, Adv.

Mr. Siddharth S. Chapalgaonkar, Adv.
Ms. Sneha Botwe, Adv.
Mr. Pai Amit, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

For Respondent(s) : Mr. Ram Apte, Sr. Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Harshal Nahata, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.

Mr. Somiran Sharma, AOR

Ms. Rohini Wagh, AOR
Ms. Rohini Wagh, Adv.

Mr. Suhaskumar Kadam, Adv.

Mr. Suhas Kadam, Adv.
M/S. Black & White Solicitors, AOR

Mr. Awanish Sinha, AOR

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (C) No. 788 of 2024

1. Rule nisi
2. Writ Petition stands disposed of in terms of the Signed Order.

Rest of the Matters

3. Permission to file Special Leave Petition is granted.
4. Leave granted.
5. There are conflicting views of the High Court which needs to be reconciled.
6. List these matters for final hearing in the month of July, 2025.

(KAPIL TANDON)

COURT MASTER (SH)

(Signed order W.P. (C) No. 788 of 2024 is placed on the file)

(NIDHI WASON)

COURT MASTER (NSH)