

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

O.A.NO. 227/2023 WITH O.A.NO. 449/2023

01. ORIGINAL APPLICATION NO. 227 OF 2023

DISTRICT : AURANGABAD.

1. Digambar Shekuba Pawar
Age : 50 years, Occu: Service,
R/o: Plot No. 43, Rajesh Nagar,
Deolai Parisar, Aurangabad.
2. Sushildas Laxmandas Vaishnav,
Age : 46 years, Occu: Service,
R/o: Plot No. 112, Near Megha
Apartment, Ulkanagari, Garkheda
Parisar, Auragabad
Tq. & Dist. Aurangabad.
3. Sumit Madhukarrao Lande
Age : 37 years, Occu: Service,
C/o : Zilla Parishad, Secondary School,
Waghala, Pathari,
Tq. Pathari, Dist. Parbhani.
4. Pravin Balasaheb Ranjwan
Age : 36 years, Occu: Service,
R/o: Gajanan Nagar,
Ugdha Mahadeo Mandir Road,
Vasmat Road,
Tq. & Dist. Parbhani.
5. Maheshkumar Uddhavrao Tandale,
Age : 38 years, Occu: Service,
R/o: Tandale Niwas, Khanga Galli,
Chaubara Road, Udgir,
Tq. Udgir, Dist. Latur.
6. Vithal Ramchandra Maddewad,
Age : 45 years, Occu: Service,
C/o: Zilla Parishad High School,
Wadsagvi, Tq. Ahmedpur,
Dist. Latur.
7. Surwase Ashok Hanumantrao,
Age : 43 years, Occu: Service,
C/o: Zilla Parishad High School,
Akhada Balapur, Tq. Kalamnuri,

Dist. Hingoli.

8. Shivaji Khushalrao Jamjal,
Age : 44 years, Occu: Service,
C/o: Zilla Parishad High School,
Shewala, Tq. Kalamnuri,
Dist. Hingoli.
9. Sudhakar Pandurang Sawant,
Age : 56 years, Occu: Service,
R/o: Sawantwadi, Neknoor, Beed
Tq. & Dist. Beed.
10. Kantilal S/o Sopanrao Lad,
Age : 49 years, Occu: Service,
R/o: Chatrapati Banke Samor,
Bhagy Nagar, Beed,
Tq. & Dist. Beed.
11. Pandurang Ramrao Wakde
Age : 49 years, Occu: Service,
R/o: A/p Sastur,
Tq. Lohara, Dist. Osmanabad.
12. Mahesh Nagesh Kamble,
Age : 41 years, Occu: Service,
C/o. Zilla Parishad High School,
Dhanuri, Tq. Lohara,
Dist. Osmanabad.
13. Krishna Anandrao Janjal,
Age : 45 years, Occu: Service,
C/o: Zilla Parishad High School,
Bhokardan, Tq. Bhokardan,
Dist. Jana.
14. Umesh Shankar Dungahu,
Age : 38 years, Occu: Service,
C/o: Zilla Parishad High School,
Japharabad, Tq. Japharabad,
Dist. Jalna.
15. Anilkumar Balajirao Bingewar,
Age : 41 years, Occu: Service,
R/o: Flat No. 10, B.R.J. Tower,
Sarpanch Nagar, Taroda Bk,
Nanded, Tq. & Dist. Nanded.

16. Govind Chandar Chavan,
Age : 56 years, Occu: Service,
R/o: At Post Vasantnagar, Kotgyal,
Mukhed, Nanded. Tq. Mukhed,
Dist. Nanded.

.. APPLICANTS.

V E R S U S

1. The State of Maharashtra,
Through its Secretary,
School Education and Sports
Department, Mantraya,
Mumbai.
2. The Director of Education
Directorate of Education,
(Secondary & Higher Secondary),
Central Building Camp,
Near Sasun Hospital,
Pune-411 001
Maharashtra State
3. Department of Rural Development
Bandhkam Path, Fort, Bailard Estate
Fort, Mumbai-400 001
4. Nilesh Do Prakash Vaidu.
Age: 42 Years, Occ. Service,
R/o. New Panwel Secto-7,
Tq. Panwel, Dist. Raigad,
5. Madhukar S/o Narayan Suryawanshi
Age: 53 Years, Oce Service,
R/o. Mannat Building, Road-16
Ganesh Nagar, Kalas, Pune.
Tq. & Dist. Pune
6. Gajanan S/o Vitthalrao Mandade
Age 43 Years, Oce, Service,
R/o. Mangeshi Flora, B-1005.
Ramdurg Lane No.4 end,
Kalyan (West), Dist. Thane.
7. Imran khan So Yusuf Khan.
Age 42 Years, Occ. Service,
R/o. Khan Manjil, Pundalik Baba Nagar,
Amravati, Tq. & Dist. Amravati

8. Nikhil S/o Vitthalrao Mankar.
Age. 48 Years, Occupation Service,
R/o. 39, Gulabrao Maharaj Colony,
Kathora Naka, Amravati.
9. Rajesh S/o Dulaji Damase,
Age 47 Years, Occ. Service,
R/o. Ghodegaon, Aashirwad Nivas,
Kale Colony, Junnar Phata,
Tq. Ambegaon, Dist. Pune
10. Seema D/o Harish Rane,
Age 46 Years. Oec. Service,
R/o. Sanskruti "C" Building,
Flat No. 405. Kaspate Vasti,
Wakad Road, Pune
11. Chhaya D/o Uday Mahindrakar,
Age, 53 Years, Occ. Service,
R/o. Oxford Elegance,
Salunke Vihar Road, Wanowrie,
Pune, Tq. & Dist. Pune.
12. Ashok S/o Shravan Land,
Age. 44 Years, Occ. Service,
R/o. At Present Ghatghar,
Tq. Junnar, Dist. Pune.
13. Popat S/o Shivaji Malgunde.
Age. 40 Years, Occ. Service,
R/o. At post Chikurde, Tq. Walva.
Dist. Sangli.
14. Ajay S/o Panditrao Patil,
Age.40 Years, Occ. Service,
R/o. At post Kasba Bawada,
Tq. Karvir, Dist. Kolhapur.
15. Chandan S/o Diliprao Kulkarni,
Age. 43 Years, Occ. Service,
R/o. Daivayog, Kalpana Colony,
Ring Road, Ambajogai,
Tq. Ambajogai, Dist. Beed.

.. RESPONDENTS**W I T H**

02. ORIGINAL APPLICATION NO. 449 OF 2023**DISTRICT : BEED.**

1. Chandan S/o Dileep Rao Kulkarni
Age: 43 years, Occ. Service,
R/o. Daivyog, Kalpana Colony,
Ring Road, Ambajogai,
Tq. Ambajogai, Dist. Beed.
2. Seema d/o Raghunath Rao Mehetre
Age: 42 years, Occ. Service,
R/o. Row House No. 65,
Supratham Society, Near Renukamata
Mandir, Zambad Estate, Shrey Nagar,
Aurangabad, F & Dist. Aurangabad.
3. Kranti d/o Sitaram Dhaswadikar
Age : 41 years, Occ. Service,
R/o. Government Vidyaniketan,
Quarter No. 12, Aurangabad,
Ta. & Dist. Aurangabad.

.. APPLICANTS.**V E R S U S**

1. The State of Maharashtra
Through the Principal Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai.
2. The Commissioner of Education
Central Building, Annie Besant road,
Pune.
3. The Joint Director,
(Administrative, Appraisal & Planning)
Commissionerate Office,
Central Building, Annie Besant road,
Pune.

.. RESPONDENTS.

APPEARANCE : Shri S.R. Sapkal, learned senior counsel for the
applicant in O.A. No. 227/2023.

: Shri P.D. Suryawanshi, learned counsel for the
applicant in O.A. No. 449/2023.

: Shri Ajay S. Deshpande, learned special counsel with Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

**CORAM : JUSTICE SHRI V.K. JADHAV, VICE CHAIRMAN
AND
: SHRI VINAY KARGAONKAR, MEMBER (A)**

RESERVED ON : 29.01.2025

PRONOUNCED ON:18.02.2025

O R D E R

[Per : Shri Vinay Kargaonkar, Member (A)]

Heard Shri S.R. Sapkal, learned counsel for the applicants in O.A. No. 227/2023, Shri P.D. Suryawanshi, learned counsel for the applicants in O.A. No. 449/2023 and Shri Ajay S. Deshpande, learned special counsel with Shri Mahesh B. Bharaswadkar, learned Chief Presenting Officer for the respondent authorities.

2. In view of the fact that in both these matters the facts and prayers made are identical, we have heard both these matters together and deem it appropriate to decide the same by this common order.

3. These Original Applications have been filed by Secondary teachers serving in Zilla Parishad, challenging the Deputy Education Officer in the Maharashtra Education Service (Administrative Branch) (Recruitment) Rules, 2022, notified on December 28, 2022. The

primary grievance of the applicants is the exclusion of Assistant Teachers, Head Masters (Non-Gazetted), Lecturers (Junior Colleges), and Secondary Teachers from the feeder cadre for promotion to the post of Deputy Education Officer, while retaining Extension Officers in the same. The applicants, who are recruited under Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967, and classified under District Technical Services due to their specialized D.Ed. or B.Ed. qualifications, contend that this exclusion is arbitrary and violates Articles 14 and 16 of the Constitution of India. The critical issue before this Tribunal is whether such exclusion of teaching staff from the promotional avenue to Deputy Education Officer positions, particularly when they were previously eligible and have demonstrated superior performance in departmental examinations, is legally sustainable.

4. Pleadings and arguments by the Applicants

(i) The applicants in the present matter are Secondary teachers serving in respective Zilla Parishad with unblemished service records throughout their careers. They have been recruited under the Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967, specifically under Appendix-IV Part 2 under Rule 5. Their services fall under the purview of District Technical Services, as defined under Rule 2(iv), which encompasses District Technical Services (Class 3), District Service (Class 3), or District Service (Class 4) of a Zilla Parishad constituted under Clause B of Section 239 of the Act. The classification under District Technical Services stems from

the specialized qualification requirements of D.Ed. or B.Ed. mandated for the Educational Department.

(ii) The applicants have brought to the attention of this Tribunal the Government notification dated 10.03.1978, wherein the Government of Maharashtra published Educational Service, Class-II (Administrative Branch) Recruitment Rules, 1978. These Rules, particularly Rule 2, established three distinct methods of appointment: promotion of trained graduates from Maharashtra Educational Service Class III, selection from District Technical Service Class-III, and nomination from eligible candidates possessing B.Ed. Degree and requisite teaching experience. The applicants emphasize that these rules recognized the importance of both educational qualifications and teaching experience in administrative positions.

(iii) The applicants have placed significant reliance on the National Education Policy 2020, which explicitly recognizes the necessity of promotional avenues for teachers in paragraphs 5.17 to 5.19. The Policy further establishes the requirement of a 4-year integrated B.Ed. degree as the minimum qualification for teaching positions, as detailed in paragraphs 5.22 to 5.23. This policy framework, the applicants contend, demonstrates the recognition of teachers as specialized professionals requiring defined career advancement opportunities.

(iv) A crucial turning point occurred with the Government notification dated 29.06.2013, which marked the first instance of removing the B.Ed. Degree requirement from Deputy Education Officer recruitment criteria. This notification was followed by an advertisement dated 05.09.2013 issued by the Maharashtra Public Service Commission. The applicants

successfully challenged these changes before the Maharashtra Administrative Tribunal, resulting in the judgment dated 17.11.2015 in OA No. 576 of 2014 and 872 of 2013, which quashed the impugned notification.

(v) The applicants draw particular attention to the results of the Limited Departmental Competitive Examination conducted in 2017, which demonstrated the superior performance of District Technical Service candidates. While 48 candidates qualified from Maharashtra Education Service with a cut-off of 74 marks, a significantly larger number of 283 candidates qualified from District Technical Service with a substantially higher cut-off of 150 marks. These results, the applicants argue, empirically demonstrate the superior quality and competence of candidates from the District Technical Services.

(vi) The applicants have approached this Tribunal challenging the Deputy Education Officer in the Maharashtra Education Service (Administrative Branch) (Recruitment) Rules, 2022, dated 28.12.2022, on several substantial grounds. The primary contention is that these rules arbitrarily exclude Assistant Teacher, Head Master (Non-Gazetted), Lecturer (Junior Colleges), and Secondary Teacher from the feeder cadre while retaining Extension Officers, thereby creating an unreasonable distinction between similarly situated employees. This exclusion, they argue, violates Articles 14 and 16 of the Constitution of India.

(vii) The applicants have presented several specific grounds of challenge. They contend that the action of the Government in depriving them of their right to promotion is arbitrary and illegal. The avenues which were previously available to the applicants for promotion to the post of Deputy Education Officer have been completely excluded by the impugned

notification dated 28th December, 2022. The applicants argue that while similarly situated employees from Maharashtra Education Service (MES) Class III and Extension Officers from District Technical Services are retained in the feeder cadre for promotion, their cadre from District Technical Services, Class III has been completely excluded, violating their fundamental rights under Articles 14 and 16 of the Constitution of India.

(viii) Furthermore, the applicants submit that rights which had already accrued to them cannot be taken away through such discriminatory action. They emphasize that rules existing at the time of their entry into service cannot be amended to their detriment. The continued inclusion of Extension Officers from Zilla Parishad in the feeder cadre while excluding teachers is argued to be manifestly arbitrary. The applicants also raise serious procedural concerns, noting that no draft recruitment rules were published and no objections were invited from stakeholders, particularly from Zilla Parishad (Secondary) teachers who previously had the right of promotion to the post of Deputy Education Officer.

(ix) In terms of the reliefs sought, the applicants pray for quashing and setting aside the Deputy Education Officer (Group-B Gazetted) in the Maharashtra Education Service (Administrative Branch) (Recruitment) Rules, 2022 dated 28th December 2022, particularly in respect of excluding the applicants' cadre from the feeder cadre of Deputy Education Officer. They seek restoration of their right to be considered for promotion to the post of Deputy Education Officer, maintaining that this right cannot be arbitrarily taken away. The applicants also seek interim relief to stay the operation of the impugned Rules pending the final disposal of this application.

(x) The applicants further submit that the impugned rules were formulated without publishing draft rules or inviting stakeholder objections, particularly from affected Zilla Parishad teachers. They argue that the policy decision was taken without adequate input from education specialists, focusing instead on generalized administration rather than specialized educational expertise. This approach, they contend, contradicts established practices in other technical departments such as PWD, Irrigation, Agricultural, and Health, where technical expertise is prioritized throughout the promotional hierarchy.

(xi) The applicants strongly emphasize that Deputy Education Officers require teaching experience and B.Ed. qualifications for effective administrative control over teaching and non-teaching staff. They argue that without teaching experience, Deputy Education Officers cannot effectively administer the process of imparting education at the ground level. The applicants submit that teachers are the backbone of the educational system and are well-versed in the intricacies of imparting education, making them essential components of the feeder cadre for Deputy Education Officer positions.

(xii) The applicants draw attention to international practices, noting that in all developed nations, teaching is among the most respected professions. They argue that to attract talented individuals to the teaching profession, there must be ample promotional avenues. The action of the Government in curtailing these promotional avenues is argued to be contrary to the policy of attracting qualified candidates to the teaching field. The applicants emphasize that like other technical departments such as PWD, Irrigation, Agricultural, and Health services, where all officers from lower to higher ranks must possess relevant technical qualifications, the Education

Department should maintain similar standards requiring teaching qualifications and experience throughout its hierarchy.

(xiii) The removal of these requirements through the impugned Rules, they argue, will adversely impact the quality of educational administration and diminish the status of the teaching profession. This is particularly concerning given that in the Limited Departmental Competitive Examination of 2017, candidates from District Technical Services demonstrated superior competence with a cut-off of 150 marks compared to 74 marks for others. The applicants contend that this empirical evidence clearly establishes the non-application of mind in excluding more competent persons from the feeder cadre of Deputy Education Officer (Group-B).

5. Pleadings and arguments by the Respondents

(i) The respondents, represented by the Deputy Director of Education, Chhatrapati Sambhajnagar, have presented a comprehensive defense of the impugned Rules through a detailed affidavit in reply. At the outset, the respondents submit that the requisite qualifications, education, and B.Ed. for the post of Deputy Education Officer (Group-B Gazetted) in the Maharashtra Education Service Recruitment Rules 1978 were rectified through the Deputy Education Officer (Group-B Gazetted) in the Maharashtra Education Service Recruitment Rules, 2013.

(ii) The respondents emphasize that the present Rules of 2022 were specifically framed in compliance with the directions issued by this Hon'ble Tribunal in O.A. No. 576/2014 and O.A. No. 872/2013. In these matters, Primary Teachers and Kendra Pramukh Sabha, Buldhana had challenged the provisions of

the 2013 Recruitment Rules. The Hon'ble Tribunal, through its judgment dated 17.11.2015, had explicitly directed the revision of Recruitment Rules for Deputy Education Officers and similar cadres, mandating separate Recruitment Rules for Academic and Administrative posts that were previously listed in Annexure-B of the 2013 Rules.

(iii) The respondents submit that in strict adherence to these judicial directions, the Government has deliberately excluded purely teaching posts such as Assistant Teacher, Lecturer (K.M.V.), Higher Secondary Teacher, and HeadMaster (Non-Gazetted) posts from the feeder cadre for promotion to the post of Deputy Education Officer, while retaining the administrative post of Extension Officer. This exclusion, they argue, is not arbitrary but is a considered policy decision aimed at implementing the Tribunal's directives for creating distinct administrative and academic branches.

(iv) The respondents have detailed their comprehensive restructuring plan, explaining that pursuant to the Tribunal's directions, two distinct and separate branches have been established within the School Education Department: Administrative (Educational Administration) and Empowerment (Academics) Branch. This fundamental reorganization demonstrates the Government's commitment to creating specialized career paths for both administrative and academic positions. The restructuring process involves several significant steps, including the suspension of conversion of 356 posts of Head Master (Gazetted) which were previously omitted from the 2016 Recruitment Rules.

(v) Of particular significance is the respondents' initiative to create new promotional avenues specifically designed for

teaching staff. They submit that a new promotional channel to the post of Head Master (Gazetted) in the Empowerment Branch is being developed for Assistant Teachers, Lecturers (K.M.V.), Higher Secondary Teachers, and Head Masters (Non-Gazetted) (Group-C) cadre. This is not merely an alternative but a specialized promotional pathway that recognizes and values teaching experience. Furthermore, the respondents submit that after promotion to Head Master (Gazetted), candidates possessing requisite qualifications will have opportunities for advancement to Senior Lecturer (Group A) positions in the Empowerment Branch. This structured progression path, they argue, will enable the administration to better utilize the qualifications and experience of teaching staff to improve educational quality.

(vi) The respondents have placed before this Tribunal a meticulously planned implementation timeline that spans from November 2024 to March 2026. This comprehensive schedule demonstrates the Government's systematic approach to implementing these significant structural changes. The process begins with the submission of the Final draft of Recruitment Rules by the Commissionerate of Education, Pune to the School Education Department between November and December 2024. This is followed by a series of thorough scrutiny stages, including review by the School Education Department (December 2024), examination by the Handicap cell (January 2025), scrutiny by the General Administration Department (January-February 2025), and detailed assessment by the Maharashtra Public Service Commission (February-May 2025). The process continues with a second review by the General Administration Department (May-August 2025) and scrutiny by the Law And Judiciary Department (August-

December 2025), before culminating in final approval and publication between December 2025 and March 2026.

(vii) The respondents emphasize that while this timeline may appear lengthy, it reflects the complexity and importance of the restructuring process and the need for thorough consideration at each stage. They submit that the current stay order is adversely affecting the legitimate promotion prospects of eligible MES Group C officers and superintendent GSS. Therefore, they seek vacation of the stay order pending the implementation of the new rules, arguing that the interim period should not prejudice the career progression of eligible candidates.

(viii) The respondents further submit that this restructuring necessitates changes to the Recruitment Rules of the Empowerment Branch, which involves complex policy formulation. They maintain that while this process requires time, it is essential for creating a robust and effective administrative framework. The rough draft of these rules is already prepared, indicating substantial progress in this direction.

(ix) In conclusion, the respondents emphatically submit that the current rules represent a carefully considered and necessary transition phase in implementing this Hon'ble Tribunal's previous directions. They argue that the restructuring creates two distinct yet complementary career paths - one focusing on educational administration and another on academic progression. This dual-track system, they contend, will ultimately benefit both teaching and administrative staff by providing clearly defined career progression paths within their respective specialized domains.

The respondents maintain that this restructuring, though time-consuming, is essential for creating a more effective and specialized educational administrative structure that serves the best interests of the education system as a whole.

6. Reasoning and Conclusions:

(i) Having carefully considered the detailed submissions advanced by both sides, we must now address the central question: whether the exclusion of teaching staff from the feeder cadre for promotion to Deputy Education Officer positions under the 2022 Rules is legally sustainable.

(ii) The challenge before us primarily concerns the Deputy Education Officer in the Maharashtra Education Service (Administrative Branch) (Recruitment) Rules, 2022, dated 28.12.2022. These Rules have effectively removed Assistant Teachers, Head Masters (Non-Gazetted), Lecturers (Junior Colleges), and Secondary Teachers from the feeder cadre for promotion to Deputy Education Officer positions while retaining Extension Officers. The applicants contend this creates an arbitrary distinction between similarly situated employees, violating Articles 14 and 16 of the Constitution of India.

(iii) Let us first examine the historical context. The Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967 recognized teaching staff as part of District Technical Services due to their specialized qualifications (D.Ed. or B.Ed.). The Government notification of 10.03.1978 further established the importance of both educational qualifications and teaching experience for administrative positions. This framework remained largely unchanged until 2013, when the first attempt was made to remove the B.Ed. requirement - a

change that was subsequently quashed by this Tribunal in OA No. 576 of 2014 and 872 of 2013.

(iv) The respondents argue that the 2022 Rules implement this Tribunal's previous directions by creating separate recruitment rules for academic and administrative posts. While this broad objective is laudable, we must examine whether the specific implementation through these Rules meets constitutional standards and serves the larger goals of educational administration.

7. Several factors merit careful consideration:

(i) The empirical evidence presented through the 2017 Limited Departmental Competitive Examination results is particularly telling. Candidates from District Technical Services demonstrated markedly superior performance, with 283 candidates qualifying at a cut-off of 150 marks, compared to 48 candidates from Maharashtra Education Service qualifying at a cut-off of 74 marks. This substantial difference in performance levels cannot be ignored when evaluating the competence and suitability of teaching staff for administrative positions.

(ii) The nature of educational administration must be considered. Deputy Education Officers exercise administrative control over both teaching and non-teaching staff in schools. Their role requires not just administrative capability but also a deep understanding of educational processes, pedagogical methods, and the practical challenges of classroom teaching. The applicants' argument that effective educational administration requires teaching experience carries considerable weight. This is particularly relevant given the emphasis in the National Education Policy 2020 on specialized

education administration and the recognition of teachers as specialized professionals.

(iii) We must examine the respondents' proposed alternative career progression path through the Empowerment Branch. While the creation of separate academic and administrative branches may have merit, the implementation timeline extending to March 2026 leaves a significant gap in promotional opportunities for teaching staff. Moreover, the proposed alternative path appears more circuitous and potentially less advantageous than the direct promotional avenue that existed previously.

(iv) The procedural aspects of the Rule-making process raise concerns. The absence of stakeholder consultation, particularly with affected teaching staff, and the lack of published draft rules suggest a departure from principles of participatory rule-making. This is especially problematic given the significant impact on career progression opportunities for a large segment of educational professionals.

(v) The comparison with other technical departments such as PWD, Irrigation, Agricultural, and Health services is instructive. In these departments, technical qualifications and relevant experience are maintained throughout the hierarchy. The departure from this principle in educational administration, without compelling justification, appears anomalous.

(vi) The respondents' argument that the new structure will create more effective specialized branches has merit in principle. However, the execution of this vision through the 2022 Rules raises several concerns:

1. The Rules create an immediate and substantial disadvantage for teaching staff without ensuring equivalent alternative opportunities are in place.
2. The extended implementation timeline for the new structure creates an unacceptable vacuum in career progression opportunities.
3. The removal of teaching experience as a qualification for Deputy Education Officer positions may compromise the quality of educational administration.
4. The retention of Extension Officers while excluding teaching staff from the feeder cadre creates an artificial distinction that is difficult to justify given the nature of educational administration.

8. The present case raises fundamental questions about the scope and application of Article 14 of the Constitution of India. The constitutional guarantee of equality before law encompasses two essential aspects: it prohibits arbitrary state action and requires that any classification must be based on intelligible differentia having a rational nexus with the objective sought to be achieved.

9. In the present context, the exclusion of teaching staff from the feeder cadre while retaining Extension Officers creates a classification that demands constitutional scrutiny. The relevant considerations include:

1. The specialized nature of educational administration
2. The demonstrated competence of teaching staff through competitive examinations
3. The practical requirements of Deputy Education Officer positions
4. The established practice in other technical departments

5. The national policy framework for education

10. The principles of administrative law require that rules governing civil service promotions must strike a reasonable balance between administrative efficiency and legitimate career aspirations of employees. This balance must be real and not illusory, immediate and not merely prospective. The 2022 Rules appear to disturb this balance by creating an immediate barrier to promotion while offering only a distant and uncertain alternative path.

11. **Comparative Analysis with Other Technical Services:**

The applicants' comparison with other technical departments such as PWD, Irrigation, Agricultural, and Health services provides valuable context. In these departments, technical qualifications and relevant experience are maintained throughout the hierarchy. This approach recognizes that effective administration of technical departments requires both administrative capability and technical understanding. Education, being no less technical or specialized, logically requires similar consideration.

12. **Impact on Educational Administration:**

The role of Deputy Education Officers requires both administrative competence and educational expertise. These officers must:

1. Supervise and evaluate teaching staff

2. Understand and implement pedagogical methods
3. Assess educational outcomes
4. Guide curriculum implementation
5. Address practical challenges in education delivery

13. The exclusion of teaching experience from the qualification criteria potentially compromises these essential functions. The respondents' argument that administrative efficiency can be maintained without teaching experience appears to overlook the specialized nature of educational administration.

14. The National Education Policy 2020's emphasis on teacher empowerment and specialized educational administration also bears consideration. The Policy recognizes teaching as a specialized profession requiring both academic expertise and administrative capabilities. The 2022 Rules appear to run counter to this national policy framework by diminishing the role of teaching experience in educational administration.

15. Considering all these factors, we conclude that while the broad objective of creating specialized administrative and academic branches may be legitimate, the specific provisions of the 2022 Rules excluding teaching staff from the Deputy Education Officer feeder cadre cannot be sustained. The exclusion is neither justified by administrative necessity nor supported by empirical evidence. Indeed, the available evidence suggests that teaching staff have demonstrated

superior administrative capabilities through competitive examinations.

16. Therefore, we proceed to pass the following order:-

1. The provisions of the Deputy Education Officer in the Maharashtra Education Service (Administrative Branch) (Recruitment) Rules, 2022 excluding Assistant Teachers, Head Masters (Non-Gazetted), Lecturers (Junior Colleges), and Secondary Teachers from the feeder cadre are hereby quashed.

2. The respondents are directed to revise the Rules within six months to:

- a) Include teaching staff in the feeder cadre for Deputy Education Officer positions.
- b) Establish clear criteria for evaluation of both teaching and administrative experience.
- c) Create appropriate weightage for teaching experience and educational qualifications.

3. The respondents may proceed with their larger restructuring plan for creating specialized branches, but this must not prejudice the existing promotional avenues for teaching staff.

4. The Original Application is allowed in the above terms.
No costs.

MEMBER (A)

VICE CHAIRMAN

PLACE : AURANGABAD

DATE : 18.02.2025