

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8875 OF 2026

1. Bhagwat Govindrao Zambre

Age 33 occ- NA
R/a- Ward No. 16, House No. 1264,
Jay Bhawani Galli, At-Post-Chakur,
Tal- Chakur, Dist-Latur-413513

2. Dipali Kashina Aher

Age-44 Occ-Na
At-Post Ganesh Nagar,
Niphad, 422303

3. Vaishali Shrirang Mane

Age-38 Occ-Na
R/a At Saraf Nagar, Behind
Sachdev Hospital, Jalna Ambad Road,
Jalna -431203

4. Ravindra Rambhau Wadhai

Age-38 Occ- Na
R/a At-Gondeda, Post-Kewada, Tal-Chimur,
Dist-Charndapur 442904

5. Sunita Dadarao Satwadhar

Age-37 Occ-
R/Aat Dastapur Near Zp School, 431401

6. Baburao Devidas Rankhambe

Age- 38 Occ-Na
R/a Plot No. 160, Main Road, Near Bus Stand,
Barbada, Tq Naigaon- 431602

7. Nagorao Rangnath Barade

Age-37, Occ- Na
R/a At Post Pethshiwani, Tq Palam,
Dist- Parbhani-431720

8. Vaibhav Gyanba Bhalshankar

Age- 36 Occ-N/a
R/a Navnath Nagar Midc, Bahirwadi 431122

9. Ramesh Datta Waghmare

Age-36 Occ- N/a
R/a At Post Bothi, Tq Umri,
Dist-Nanded – 431805

10. Ganesh Ramnath Sadgir

Age- 36 Occ- Na
R/a Home No. 112, At Post- Kombhalane,
Tal-Akole 422601

11. Vikram Kishor Sawarkar

Age-35 Occ- Na
R/Aat Post Shirasgaon, Pandhari,
Ta Ner, 445102

12. Kalyani Gulabrao Ingale

Age- 36 Occ- Na
R/A flat No.08, Sanket Apartment,
Kamlanagar, Kamatwada – 422010

13. Vasant Shantaram Jadhav

Age- 36 Occ- Na
At Post Shelu, Tal – Karjat, Dist- Raigad,
Near Shelu Railway Station 410101

14. Arun Anil Mandage

Age- 33 Occ- Na
R/Aat Post Samudrawani, Dharashiv- 413501

15. Niket Dilip Rathod

Age- 34 Occ-Na
R/a At Deurwadi, Postchikhali, Izara, Arni- 445103

16. Sharad Keshaw Bhurse

Age- 35 Occ- Na
R/a At-Raitwari, Post-Keroda,
Tal-Saoli, Pin- 441225

17. Sanket Shankarrao Mirjapure

Age- 33 Occ- Na
R/At Umri, Pathar, Post- Mahalungi,
Pin-445103

18. Manoj Dadarao Kachare

Age- 35 Occ- Na
R/Aat-Post-Rajegaon, Majalgaon,
Beed, 431129

19. Dashrath Sanjay Sarawade

Age-35 Occ-Na

R/a At Post-Upla, Dist-Osmanabad,
Maharashtra 413501

20. Jyotsna Sunil Pangare

Age- 35 Occ- Na

R/A near Hanuman Mandir, Tuksai,
Khambewadi, Rajgarh, Maharashtra 410203

21. Deni Jagdish Dhawale

Age-36 Occ- Na

At Dhundeshivani, Post Amirza,
Tah Gadchiroli, Dhunde, Shivni,
Gadchiroli 442605

22. Saurabh Murlidhar Tarare

Age- 26 Occ- Na

At-Belegata, Post-Chikhli, Tah Mul 441212

23. Sawata Sahebrao Mule

Age- 35 Occ- Na

R/a At Post Rajewadi, Thl Majalgaon 431131

24. Rupali Nanasaheb Somwanshi

Age- 39 Occ- Na

R/a Sundarpur Kathargaon
Niphad Nashik, 422303

25. Murlidhar Vishwnath Shinde

Age- 35 Occ- Na

R/a117/1 Shirdhon, Nanded, 431707

26. Saurabh Suresh Khurd

Age- 28 Occ- Na

R/at Yeoti Penur, Mohol, Solapur, 413248

27. Shailesh Duryodhan Patle

Age- 32 Occ- Na

R/a At Hardali Post, Mitewani Tah Tumsar, 441912

28. Rupali Ashok Ahire

Age- 36 Occ- Na

R/a Flat No. 712, Tirupati Tower, Sector 18,
Bulk Land 2, Shivtej Nagar, Chichwad 411019

29. Lilesh Dulichand Kolhe

Age- 43 Occ- Na

R/Award No, 02, Near Hanuman Mandir at

Post Goregaon, 441801

30. Bramhand Govindrao More

Age- Occ-NA

R/a At Bramhanwada Post Mugat

Tq Nanded 431806

...Petitioners

Versus

1. The State of Maharashtra,

Through Principal Secretary,

Secretary, School Education and

Sports Department, Mantralaya

Mumbai-400 032

2. Education Commissioner, Pune

01st Floor, Central Building, Dr. Annie

Besant Road, Agarkar Nagar,

Pune – 411 001

...Respondents

Ms Purva S. Pradhan, with Vishal V. Shinde, for Petitioners.

Mr O. A. Chandurkar, Addl. G.P., with Priyanka Chavan, AGP, for Respondents-

State.

**CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.**

**RESERVED ON: 13th AUGUST 2026
PRONOUNCED ON: 25th AUGUST 2026**

JUDGMENT: (Per Dr Neela Gokhale, J.)

1. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioners seek a relief that the order dated 26th May 2026 passed by the State Government be declared to be arbitrary and illegal, and the same be quashed and set aside. The Petitioners are primarily aggrieved by the Respondents' refusal to fill

10% of the teacher posts that remained vacant in the Teacher Aptitude and Intelligence Test (“TAIT-2022”) recruitment process as well as posts that remained vacant due to absentation, disqualification, vacancies pertaining to ex-servicemen and other categories, or selected candidates failing to join in Phase-I of the recruitment.

2. The facts of the case, in brief, are as under:

2.1. This Writ Petition arises out of the TAIT-2022 recruitment process conducted by the State of Maharashtra for the appointment of teachers via the Pavitra Portal. Applications for TAIT-2022 were invited on 31st January 2023, and the examination was held from 22nd February 2023. Thereafter, candidates were required to complete their self-certification to participate in the recruitment process.

2.2. The Petitioners claim to qualify for TAIT-2022 and to have participated in the recruitment process. However, during Phase-I, approximately 10% of the advertised posts remained vacant. Certain posts reserved for ex-servicemen and earthquake-affected persons also remained vacant due to the lack of eligible candidates from those categories.

2.3. The General Administration Department (“GAD”) considered the issue of ex-servicemen’s reservations and directed that only 484 posts should remain reserved for ex-servicemen, with the remaining eligible vacancies to be de-reserved.

2.4. On 10th September 2024, directions were issued to fill the 10%

reserved posts, along with vacancies arising from absence, disqualification and non-joining, by eligible and meritorious candidates within the applicable categories.

2.5. On 13th September 2024, further directions were issued regarding Phase-II recruitment, requiring consideration of the 10% reserved posts and the remaining vacancies from Phase-I.

2.6. On 16th January 2025, the Government directed Zilla Parishads, Municipal Corporations and other concerned bodies to proceed with Phase-II teacher recruitment. The recruitment was required to take into account vacancies arising from absence, disqualification and non-joining of candidates.

2.7. The Petitioners state that, despite the GAD directions, the Respondents failed to properly de-reserve the vacant ex-servicemen and other special-category posts, thereby preventing eligible candidates from accessing them.

2.8. The Petitioners submitted several representations requesting the Respondents to fill the 10% reserved posts, as well as vacancies arising from absence, disqualification and non-joining, from eligible TAIT-2022 candidates. However, on 26th May 2026, the Government of Maharashtra, School Education and Sports Department, issued the impugned Government letter/order concerning the remaining vacancies arising from the TAIT-2022 recruitment. In the impugned Government letter, the State

acknowledged that 10% of the posts had been kept vacant during the TAIT-2022 recruitment, but referred to subsequent changes in the reservation framework, particularly the introduction of 10% SEBC reservation under the Maharashtra State Reservation for Socially and Educationally Backward Classes Act, 2024, which came into force on 26th February 2024. The Government took the position that the reservation structure had changed after the commencement of the earlier recruitment process and that the number and nature of vacancies had also changed between the different phases. It further considered the subsequent TAIT-2025 recruitment process while determining how the remaining vacancies should be dealt with. The Petitioners are aggrieved by the State Government's decision to refuse to consider the 2022 vacancies while now issuing an advertisement to recruit teachers for vacancies published for the year 2025. It is this order, which is assailed in the present Writ Petition.

3. Ms Purva Pradhan, learned counsel, appeared for the Petitioners and Mr O.A. Chandurkar, learned Additional Government Pleader, represented the State.

Submissions

4. Ms Pradhan submitted that a Co-ordinate Bench of this Court, in a previous Writ Petition No. 3203 of 2025, filed by a similarly situated candidate, had directed the Corporation to consider eligible TAIT-2022 candidates, according to their merit scores, for appointment, based on vacancies as they existed when the TAIT-2022 was conducted. She submitted that the Petitioners are covered by the

said order.

5. She submitted that, following the GAD's directions issued on 25th June 2024, the Respondent ought to have de-reserved all posts. She also submitted that, at the time of publishing Phase II, the posts kept vacant for ex-servicemen and earthquake-affected candidates in Phase I, due to unavailability, ought to have been converted to the open general category in accordance with the order dated 4th February 2026 passed by this Court. Ms Pradhan further contended that the vacancies arising from absence, disqualification, non-joining, and unfilled ex-servicemen/earthquake-affected categories, together with the 10% posts deliberately kept vacant, should be published and filled from the TAIT-2022 pool. Thus, Ms Pradhan urged the Court to declare the order/letter dated 26th May 2026 to be arbitrary and illegal.

6. Per contra, Mr Chandurkar submitted that the Government Resolution dated 10th November 2022 specifically provides that upon declaration of the result of a subsequent TAIT examination, the score obtained in the earlier TAIT examination shall cease to be valid for recruitment. The result of TAIT-2025 was declared on 18th August 2025; therefore, candidates qualified under TAIT-2022 cannot be considered for recruitment undertaken in 2026. Most importantly, he pointed out that 28 out of 30 Petitioners have appeared for TAIT-2025. It is settled law that after participating in the recruitment process, one cannot challenge it on the grounds mentioned in the present petition. Thus, he submitted that the petitioners have no indefeasible right to claim appointment.

Analysis

7. The fundamental issue before the Court is whether vacancies arising from the TAIT-2022 recruitment, including the 10% posts kept vacant, vacancies caused by absence, disqualification, or non-joining, and eligible vacancies requiring de-reservation, must be offered to TAIT-2022 candidates.

8. Before we delve into the factual matrix of the matter, it is necessary to discuss the settled law in the context of the issue involved in the present matter. The Supreme Court, in *Shankarsan Dash v. Union of India*¹, observed that the State is under no legal duty to fill all or any of the vacancies declared for a particular post. However, this does not mean the State has a license to act arbitrarily. Paragraph 7 of the said decision reads as under:-

“7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in *State of Haryana v. Subash Chander Marwaha* [(1974) 3 SCC 220 : 1973 SCC (L&S) 488 : (1974) 1 SCR

¹ (1991) 3 SCC 47

165], Neelima Shangla v. State of Haryana [(1986) 4 SCC 268 : 1986 SCC (L&S) 759], or Jatinder Kumar v. State of Punjab [(1985) 1 SCC 122 : 1985 SCC (L&S) 174 : (1985) 1 SCR 899].”

9. The view taken by the Supreme Court in *Shankarsan* (supra) is also referred to with approval in another decision of the Supreme Court in the matter of *Vinodan T & Ors. v. University of Calicut and Ors.*². Further, in *All India SC & ST Employees’ Association v. A. Arthur Jeen & Ors.*³, the Supreme Court, *inter alia*, observed that unless the relevant recruitment rules so indicate, the State is under no legal duty to fill all or any other vacancies.

10. Accordingly, from the decisions above, the legal position which emerges is, (a) the State or the employer is under no legal obligation to fill up the vacancies advertised; (b) merely because of selection of a candidate, he does not get indefeasible right to be appointed; (c) even if a candidate has subjected himself to interview and physical test and recruitment process is not complete, he shall not have a vested right to be appointed and (d) even after the completion of recruitment process, the State or the employer has a right to cancel the recruitment process once initiated, provided there are valid reasons for the same.

11. In the facts of the instant case, as analysed on the touchstone of the aforesaid legal principles, it is clear that the examination notification dated 31st January 2023 pertaining to TAIT 2022 declared that the marks obtained in the examination would be considered for recruitment to the post of teachers in all types of schools. The recruitment process was in accordance with Government Resolution (‘GR’)

² (2002) 4 SCC 726

³ (2001) 6 SCC 380

No. CET.2015/P.Kr.149/TNT-1 dated 7th February 2019, GR dated 10th November 2022 bearing No. Sankirna-2022/P.Kr 106/TNT-1, and GRs issued from time to time. The GR dated 10th November 2022 specifically provided that upon declaration of the result of a subsequent TAIT examination, the score obtained in the earlier TAIT examination would cease to be valid for recruitment. The TAIT-2025 examination was conducted, and results were declared on 18th August 2025. Thus, as per the GRs, the marks/evaluation of the candidates who had appeared for TAIT-2022 cannot be considered for recruitment undertaken in the year 2026. Moreover, the Petitioners and other candidates were well aware of the terms and conditions of the examinations; hence, they are now estopped from demanding consideration of the marks obtained by them in the TAIT-2022 examination to fill the 10% vacancies of Phase I of the examination. In fact, except Petitioner Nos. 6 and 20, all the other Petitioners have appeared for the next TAIT-2025, which is giving up all the rights, if any, in respect of the TAIT-2022 also, their results were declared.

12. In *Ranjan Kumar & Ors. v. State of Bihar & Ors.*⁴, the Supreme Court observed that when candidates who appear for an interview, fully aware of the process, they cannot later resale or somersault, saying that the procedure adopted by the department is vitiated. A three-judge Bench of the Supreme Court in *Om Prakash Shukla v. Akhilesh Kumar Shukla*⁵, noted that the Petitioner in the Writ Petition before it, had appeared for the examination without protest and filed the Petition only after realising that he would not succeed in the examination, held that

⁴ (2014) 16 SCC 187

⁵ 1986 Supp SCC 285

the Petitioner should not have been granted any relief by the High Court.

13. In the present case, 28 Petitioners have admittedly appeared for the TAIT-2025 examination, and their results have also been declared. Only two candidates have not appeared for the said examination. Having appeared and obtained marks in the subsequent examination, these Petitioners cannot now claim to be considered for appointment as teachers on the 10% vacancies purported to still exist in respect of the Phase I recruitment process of the TAIT-2022.

14. The TAIT examination is an online competitive examination designed to assess two broad attributes relevant to the selection of teachers, namely aptitude and intelligence. The purpose of the aptitude component is to assess a candidate's suitability in areas relevant to the teaching profession, whereas the intelligence component is intended to assess the candidate's reasoning and intellectual ability. The TAIT score provides only a common merit benchmark for candidates possessing the requisite qualifications for appointment to the teaching post. Hence, TAIT by itself is not a qualifying examination but forms an important component of the merit-based recruitment mechanism prescribed by the State Government.

15. Candidates are required to upload the necessary information relating to educational and professional qualifications, etc., as well as the TAIT marks obtained by them, on the online portal. The respective school managements also publish the vacancies for recruitment through the prescribed online mechanism, indicating the necessary particulars of the post available; the eligible candidates thereafter exercise their choice online by locking their preferences to the posts/schools for which they are eligible and desirous of being considered.

Accordingly, the selection process is undertaken taking into account all relevant details of the candidate. The system then generates the requisite select list/recommendations, and the names of selected candidates are recommended to the concerned school managements for taking further action regarding appointments in accordance with law.

16. The concerned authorities have now conducted the TAIT-2025 examination. About 1,70,000 candidates appeared for the said examination. They are presently awaiting recruitment opportunities. The recruitment process is at its final stage. As mentioned above, 28 Petitioners have also appeared for the TAIT-2025 examinations. Considering that the Petitioners have approached this Court belatedly in July, 2026, after having appeared for the TAIT-2025 examination, we do not find it expedient to upend the entire recruitment process at this stage and direct the State to consider these Petitioners for the 10% vacancies stated to be available pertaining to the Phase I of the recruitment process held under TAIT-2022. In any case, Mr Chandurkar, on instructions, states that it is too late for the Petitioners to seek a direction that the State should fill the vacancies that remained to be filled during the Phase I recruitment process. He also stated that this was due to changed Government policies; SEBC reservations have now been introduced in the recruitment process.

17. In view of the aforesaid discussion, we are not inclined to direct the Respondents to fill the vacancies of the Phase I recruitment process. However, since two of the Petitioners have not appeared for the TAIT-2025 examinations and as they had not given up their rights by appearing in the TAIT-2025 examination, we

accept the statement as made by Mr Chandurkar that the Respondents would consider the two Petitioners, namely, Baburao Devidas Rankhambe, Petitioner No. 6, and Jyotsna Sunil Pangare, Petitioner No. 20, for appointment to the unfilled vacancies in the Phase I of the recruitment process.

18. The Writ Petition is thus dismissed except *qua* the said two Petitioners. No costs.

(DR. NEELA GOKHALE, J)

(G. S. KULKARNI, J.)

SHAMBHAVI
NILESH
SHIVGAN

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SHIVGAN
Date: 2026.08.25
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