

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2436 OF 2003
WITH
CIVIL APPLICATION NO. 3249 OF 2013**

Prakash s/o. Jaideo Dayama .. Petitioner
Aged 52 years, Occ. Service,
R/o. Kasare, Tq. Sakir,
Dist. Dhule.

Versus

1. The State of Maharashtra .. Respondents
2. The Deputy Director of Education,
Nashik.
3. Kasare Education Society,
(Through its Chairman),
Kasare, Tq. Sakri,
Dist. Dhule.
4. The Chairman,
School Committee,
Khandesh-Gandhi Balubhai Mehta
Secondary & Higher Secondary
School, Kasare, Tq. Sakri,
Dist. Dhule.

Mr. A.B. Chalak h/f. Mr. S.B. Talekar, Advocate for the
petitioner.

Mr. K.J. Ghute Patil, AGP for respondent/State.

Mr. N.N. Desale, Advocate for respondent Nos. 3 & 4.

**CORAM : A.V. NIRGUDE &
V.K. JADHAV, JJ.**

DATED : 09.02.2015

ORAL JUDGMENT [PER : A.V. NIRGUDE, J.] :-

1. Heard. This petition seeks a declaration that the petitioner was appointed as Jr. College Teacher w.e.f. 03.08.1987 and not w.e.f. 31.01.1991. This date became important because the petitioner was denied certain opportunity of promotion after completing 12 years tenure as Jr. College teacher. In 1987, the petitioner admittedly was well qualified to be appointed as Jr. Lecturer in Jr. College. At that time, the petitioner was admittedly working as Asstt. Teacher in the school run by the management. On 03.08.1987, the Management allowed the petitioner to go to their Jr. College for teaching one subject by name - History. The petitioner took this permission as an appointment and started claiming that he was appointed as Jr. College Teacher w.e.f. 03.08.1987. On the other hand, one Deore, around that time, was appointed as Jr. College Teacher. He started certain litigation whereby the Management was prevented from appointing or allowing the petitioner to work as Jr. College Teacher. The litigation of Deore came to an end in 1990 and therefore the management passed an order appointing the petitioner as Jr. College Lecturer w.e.f. 01.02.1991. The petitioner also accepted this and joined the post on 01.02.1991. In view of these circumstances, we are unable to accept the contention of

the petitioner that he worked as Jr. College Teacher w.e.f. 03.08.1987. It is clear that the tenure of the petitioner as Jr. College Teacher began on 01.02.1991. It must also be noted here that the benefit of selection grade pay-scale was given to the petitioner immediately after he completed 12 years of his service as Jr. College Teacher w.e.f. 01.02.1991 to 01.02.2003. The petition should, therefore, fail.

2. The writ petition stands dismissed. Rule discharged. No costs.

3. In view of dismissal of the writ petition, connected civil application does not survive and stands disposed of.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]