

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

WRIT PETITION NO. 2889 OF 2004

Shrimati Laxmi Kishanrao Surewad .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Ajinkya Kale Vs. Mr.S.B. Talekar, Advocate for the petitioner.

Mr. S.D. Kaldate, A.G.P. for respondent/State.

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

DATED : 14.09.2015

P.C. :-

1. Heard. This petition has checkered history. The petitioner sought selection for the post of primary teacher in Zilla Parishad, Latur. An advertisement was published in Latur Zilla Parishad mentioning therein that a candidate must possess D.Ed. qualification. The petitioner by filing Writ Petition No.1927 of 1992 challenged the condition on the ground that the condition is contrary to the recruitment rules. The Court was convinced and the petition was allowed. The Court ordered the Zilla Parishad to consider the claim of the petitioner as against existing vacancy reserved for Scheduled Tribe cadre for selection as primary teacher on

the basis of performance both in written test as well as in oral interview. After this order was passed, the petitioner was selected and appointed as primary teacher but again Zilla Parishad, Latur put a condition in the appointment letter issued to the petitioner that she should complete D.Ed. course within five years. The petitioner did not possess this qualification and also did not undertake D.Ed. course.

2. On 23.10.2003, since the petitioner could not acquire D.Ed. qualification, letter was issued by Chief Executive Officer of Zilla Parishad informing that her services would be terminated if within academic year 2003-04 she did not acquire D.Ed. qualification. The petitioner again came to this Court by filing this petition and challenged the propriety of the order. The petitioner was given relief in terms of prayer clause (C) on 06.05.2004. The prayer clause (C) reads as under :-

“(C) To grant interim injunction restraining the respondents, their agents, subordinates and servants from terminating the services of the petitioner on account of their failure to acquire D.Ed. Qualification by the end of academic year 2003-04, pending hearing and final disposal of this petition.”

3. Since then the petitioner is in the service of the Zilla Parishad. No reply is filed to oppose this petition. We, therefore assume that Zilla Parishad has accepted its fate that it would allow the petitioner to continue in its service without acquiring D.Ed. qualification. About 11 years have since passed from the date of the order. In this situation, we are inclined to dispose of this petition in terms of interim order passed on 06.05.2004.

4. The writ petition is allowed in terms of interim order passed on 06.05.2004. Rule made absolute accordingly.

[V.K. JADHAV, J.]

[A.V. NIRGUDE, J.]