

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2274 OF 2014

Prashant s/o Mohan Pawar
Age 33 years, Occ-Nil
R/o Pimpalgaon Fungi
(Datta Wadi) Post-Guha
Taluka Rahuri District
Ahmednagar.

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary,
Education Department.
Mantralaya, Mumbai-32.
- 2] The Education Officer (Primary)
Zilla Parishad, Satara
- 3] The Secretary,
Rayat Shikshan Sanstha
Satara
- 4] Sk.Abdul Rajjak Dadamiya
Age Major, Occ-Service
R/o Belapur, Ta.Shrirampur]
Dist.Ahmednagar.
- 5] Kishor s/o Ramnaath Lawarkar
Age major, Occ-Service
R/o Kelwadi, Tq. Rahata
Dist.Ahmednagar.
- 6] Shaikh Riyaz Babasaheb

Age Major, occ-service
r/o Kunthefal, tq. Ashti
dist.Beed.

RESPONDENTS

...

Shri A.N.Kakade, Adv. for petitioner

Shri D.B.Bhange,AGP for Respondent State.

Shri V.R.Dhorde,Adv. For respondent.3

Shri R.L.Kute,Adv. For respondent nos.2,4,5.

...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 28th January, 2015.**

P.C. :

Mr.Kakade, learned counsel for the petitioner submits that the petitioner possesses the requisite qualification to work as an Art Teacher. The petitioner has worked as an Art Teacher in the school run by respondent no.3 on leave vacancy from 18/8/2009 to 28/10/2009. The said appointment was also approved by Education Officer. Pursuant to the advertisement issued by respondent for filling in 22 posts of Drawing teacher/Shikshah Sevak, the petitioner applied and participated in the selection process. The petitioner was not selected for the said post and respondent nos. 4 to 6 were given appointments. Respondent nos.4 to 6 got less marks than the petitioner. According to the learned counsel, petitioner initially had filed Appeal before the Grievance Committee in the year 2011, but as the said Committee was abolished, the present Writ Petition is filed.

2] According to the learned counsel, selection process conducted in the year 2009 is against the Rules and respondent nos.4 to 6 who are less meritorious than the petitioner have been appointed. According to the learned counsel, there are still vacant posts available, wherein the petitioner can be considered.

3] Mr.Dhorde, learned counsel for the institution submits that the petitioner had participated in the selection process, however, was not selected by the duly constituted committee. The 22 posts were advertised out of which 10 posts were filled from northern region. The petitioner had filled in application from the northern region for the academic year 2009-10 from open category. As such, his application can be considered for the post from northern region. The selection has been made in accordance with Rules. The respondents have got more marks than the petitioner. The petitioner has got only 35% marks, whereas, respondent nos. 4 to 6 have got 67% and 77% marks.

4] Mr.Kute, learned counsel for respondent nos.4 to 6 also adopted the submissions canvassed by Mr.Dhorde.

5] We have considered submissions canvassed by learned counsel for respective counsel. This Court would not sit in Appeal over the decision of the constituted committee unless gross illegality is shown. There are no allegations of malafides also. It has been stated on affidavit that respondent nos.5 to 6 have got much more marks than the petitioner. The petitioner has secured only 35% marks whereas respondent nos. 5 and 6 have secured

67% and 77% marks.

6] Otherwise also, the said selection process is of the year 2009. Mr.Dhorde, learned counsel on instructions submits that there is not a single vacant post available now.

7] In light of above, prayer of the petitioner cannot be considered. Writ Petition is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

umg/