

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 3772 OF 2014

RAMESH MURLIDHAR KATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Kakade Amol N .

AGP for Respondents: Mrs.S.A.Dhumal.

Advocate for Respondent Nos.5 and 6 : Mr.Hon Vinayak D., Senior Counsel.

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CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 04th February, 2015.

P.C.:

1. Mr.Kakade, learned counsel for the Petitioner submits that the Petitioner is working since 1991 as a teacher, teaching optional subject to the students from VIIIth to XIIth standards in the vocational institution. According to the learned counsel, rules with regard to removal of stagnation have to be provided by the Respondent – State. Even a representation is made to the authorities. The posts are filled in by direct recruitment, but not by promotion. According to the learned counsel, it is against the fundamental rights guaranteed under Article 16(1) of the Constitution of India.

2. We have heard the learned AGP and Mr.Hon, learned Senior Counsel for the Respondents.

3. The post of headmaster has to be filled in as per the rules and the qualification prescribed in the rules. Dehors the same, this Court cannot direct the Respondents to appoint the Petitioner as a Headmaster without

fulfilling the eligibility criteria.

4 In light of the above, the relief claimed by the Petitioner cannot be considered. However, the Petitioner may approach the Government for necessary redressal of this grievance by making a representation. The Government may consider the said representation on its own merits, expeditiously.

5 Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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