

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7070 OF 2015
IN WP/10704/2012

SHAIKH SAFURABEGUM ABDUL GANI
VERSUS
TAKSHSHEELA SHIKSHAN PRASARAK MANDAL AND OTHERS

...
Advocate for Applicant : Shri Deshpande A.S.
h/f Shri Katneshwarkar S.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 24, 2015
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PER COURT :-

1. The applicant was the first respondent in Writ Petition No.10704 of 2012. By order dated 26.11.2014, the petition was partly allowed and directions were issued in paragraph No.16, which read as under:-

“(c) The respondent No.1 is under an obligation to complete her postal D.Ed. course by 31.3.2015, failing which the petitioners would be at liberty to consider the position in law and take a decision as regards the continuation of respondent No.1 in service.

(d) In the event respondent No.1 fails to complete her D.Ed. course by 1.3.2015 and if the law as applicable on the said date prohibits continuation of an Untrained Assistant Teacher on account of lack of D.Ed. qualification, the petitioners would be at liberty to adopt an appropriate procedure strictly in accordance with law.”

2. Shri Deshpande, learned Advocate appearing on behalf of the applicant draws my attention to clauses (c) and (d) of the above reproduced directions. It is submitted that the law has undergone

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some change. However, it is clarified that the change has occurred prior to the date of the order of this Court and despite the same and despite the protection available to the applicant as per the existing law, she has been terminated on the ground that she has not completed her postal D.Ed. course by 31.3.2015. He, therefore, prays for reviewing the said order.

3. Having considered the submissions of Shri Deshpande, it is apparent that the changed law which he is referring to was admittedly in place prior to the date of the order of the Court which is 26.11.2014. The directions in clause 16(c) and 16(d) are clear in indicating that the case of the applicant was to be considered in accordance with the position in law. Undoubtedly, this means, the law as it stood on the date when the respondent / Management was to take a decision in the light of paragraph 16(c) and 16(d) of the order of this Court dated 26.11.2014.

4. No case for review is made out. No error apparent on the face of record is pointed out. The applicant is always at liberty to take recourse to the legal remedies, as may be available to her, on account of her termination.

5. Review Petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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