

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1624/2001
WITH
CIVIL APPLICATION NO. 7242 OF 2015

Gopalprasad Balaprasad Awasthi,
Age 32 years, Occ. Nil,
R/o Central Hanuman, Latur.

..Petitioner

Versus

1. Secretary,
Dayanand Shikshan Prasarak Mandal,
Babhalgaon, Tq. and Dist. Latur.

2. Dy. Director of Vocational Education
and Training, Bhadkal Gate, Aurangabad

3. Principal,
Dayanand Higher Secondary School,
Babhalgaon, Tq. & Dist. Latur.

4. District Vocational Education and
Training Officer, AUSA Road, Latur.

5. State of Maharashtra.

..Respondents

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Advocate for Applicant : Shri Warad Sunil V.
Advocate for Respondents 1 & 3 : Shri Shelke A.A. h/f
Shri Suryawanshi D.N.
AGP for Respondents 2, 4 & 5 : Shri Jadhav S.M.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 08, 2015
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ORAL JUDGMENT :-

1. This petition was admitted by order dated 24.10.2001 and Rule was expedited. Interim relief was refused.

2. The petitioner has filed this Civil Application for an early hearing of

the Writ Petition. The learned Advocates representing the petitioner and respondents graciously agreed to address the Court on the petition itself. I am, therefore, deciding this petition, after hearing the respective counsel.

3. Shri Warad submits that the petitioner had worked for a period of three years as a full time teacher from the academic years 1993 onwards. He had applied pursuant to the advertisement published by the management dated 15.7.1993. He has acquired a Masters Degree in Science (M.Sc.) in Agriculture. He was appointed as a full time teacher in the subject - "Crop Science".

4. The respondent No.1 / management no longer continues to impart education in the subject "Crop Science" which is recommended by the Education Department under the Minimum Competency Vocational Course (MCVC). Since 1996, the said subject is not being taught in respondent No.3 Jr. College conducted by the respondent No.1 society.

5. In this backdrop, the petitioner submits that he has forwarded a representation to respondent No.2 - Deputy Director of Vocational Education and Training, Aurangabad, dated 1.9.2014. His prayer is that he should be declared surplus under Rule 26 of the the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 ("the said Rules" for short). He should be absorbed and reinstated in accordance with the Rules in the light of paragraph No.6 of his Civil Application.

6. His further request is that if the second respondent is not able to redress the grievance of the petitioner, option of resorting to available legal remedies be kept open. He submits that the second respondent should consider that the petitioner is working as a Jr. Lecturer in a different institution by the name Dayanand Science College, Latur operated by the Dayanand Education Society from 13.7.2001 and continues as such even today.

7. Learned Advocates for the respondents have no objection if the second respondent is directed to consider the representation dated 1.9.2014 by taking into account the above narrated factors and as per Rule 26 of the said Rules.

8. Paragraph No.6 of the Civil Application, referred to by the petitioner is as under:-

“ It is a matter of record that, a post of FTT in subject "Crop Science" is lying vacant at "Rajarshi Shahu College" at Latur run by Chatrapati Shikshan Sanstha Latur. It is a grant-in-aid college. Shri Sheshrao Mohite who was working as FTT in the said college has retired from service on 31.7.2014 and since then the said post is lying vacant. It is in these circumstances the applicant has made a representation to the respondent No.2 on 1.9.2014 and thereby requested to absorb and continue the services of the applicant. The copy of representation dated 1.9.2014 is annexed herewith and

marked as Exh."A". However, the respondent No.2 has not yet decided the said representation. ”

9. In the light of the above, the second respondent is directed to consider the representation of the petitioner dated 1.9.2014, taking into account the above narrated factors, the present service for seventeen years of the petitioner with the Dayanand Science College and Rule 26 of the said Rules. Decision by the second respondent shall be taken as expeditiously as possible and preferably within a period of ten weeks from today. In the event, the petitioner is aggrieved by the decision of respondent No.2, he may opt for available legal remedies.

10. The impugned judgment dated 1.11.2000 delivered by the School Tribunal in Appeal No.137 of 1996 shall not be an impediment for the second respondent to decide the representation of the petitioner dated 1.9.2014.

11. At the request of the petitioner, the Writ Petition is disposed off with the above directions and Rule is discharged.

12. Consequentially, the Civil Application is also disposed off.

(RAVINDRA V. GHUGE, J.)

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akl/d