

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

WRIT PETITION NO. 8938 OF 2011

Mahendrakumar Chhagan Pawar .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri N. L. Choudhari, Advocate for the Petitioner

Shri K. G. Patil, Addl. Govt. Pleader for the Respondent Nos.

1 to 3

Shri S. R. Barlinge, Advocate of the Respondent No. 5

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

DATE : 20TH JANUARY, 2015.

PER COURT :

1) Mr. Choudhari, learned counsel submits that, the respondent is not submitting the proposal for approval to the appointment of the petitioner as Assistant Teacher with the respondent School. There is a Resolution passed by the members of the Committee appointing the petitioner as Assistant Teacher initially for one year and again subsequently for one more year as a part time . The learned counsel submits that, only because the father of the petitioner is a President, that can not be a disqualification for the petitioner to be appointed. The learned counsel submits that, even appointment order is placed on

record.

2) Mr. Barlinge, the learned counsel for the Head Master submits that there is no advertisement nor the petitioner is selected by any Constituted Committee. Even the petitioner in 2009–2010 was not holding the requisite qualification. He was a regular student in B.Ed. College at Amalner, he could not have been a teacher at the same time at respondent No. 5 college which is at Rundhati, Post–Mathagavhan, Tq.Amalner, Dist.Jalgaon.

3) We have considered the submissions canvassed by the learned counsel for the respective parties. We had asked the learned counsel for the petitioner about the advertisement prior to the filing of application and appointment of the petitioner as alleged by the petitioner. On 11/08/2014 the learned counsel for petitioner sought time to place on record the copy of advertisement. The matter was adjourned for four (4) weeks. Thereafter again matter was adjourned for three (3) weeks to enable the learned counsel for the petitioner to place on record the said advertisement. Thereafter again on 18th November, 2014 the matter was adjourned for eight (8) weeks to enable the learned counsel for the petitioner to comply the order dated 11/08/2014. Today, the learned counsel for the petitioner states that no such copy of advertisement could be placed on record.

Perusal of the resolution also shows that, it is only on the application of the petitioner, he was issued the order which shows that there was no advertisement and no selection process was followed.

4) It is also stated by the respondent that at the relevant time in the year 2009–2010 petitioner was a regular student of B.Ed. at Amalner College and at the same time petitioner is shown to have been appointed. It is not disputed that the President is the father of the petitioner.

5) In light of the aforesaid facts, the request of the petitioner can not be considered. The Writ Petition as such is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]