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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

CIVIL WRIT PETITION NO. 3300 OF 2014

Mr. Namdeo Shankar Kamble. ... Petitioner.
V/s.
Chairman/President,
Mouni Maharaj Shikshan Prasarak
Mandal and Ors. ... Respondents.

***WITH
CIVIL APPLICATION NO. 2321 OF 2014
IN
CIVIL WRIT PETITION NO. 3300 OF 2014***

Shripati Abaso Patil,
Chairman/President
Mouni Maharaj Shikshan Prasarak Mandal,
Mouje Mathgaon, Tal. Bhudargad,
District – Kolhapur. ... Applicant.

IN THE MATTER OF

Mr. Namdeo Shankar Kamble. ... Petitioner.
V/s.
Chairman/President,
Mouni Maharaj Shikshan Prasarak
Mandal and Ors. ... Respondents.

Mr. Sagar Ganpat Talekar for the Petitioner.
Mr. Prashant Bhavake for Respondents 1 & 2.
Mr. S.D. Rayrikar, AGP for Respondent 3.

CORAM : N.M. JAMDAR, J.

DATE : 16 OCTOBER, 2015.

P.C. :-

By this Petition the Petitioner challenges the order passed by the School Tribunal, Kolhapur dismissing his Appeal by order dated 4 May 2013.

2. The learned Counsel for the Petitioner submitted that the Petitioner was terminated by one Mr. Benadikar, who had no authority to do so. The learned Counsel submitted that the school where the Petitioner was working was recognized till the year 2006 and after 2006, Mr. Benadikar alongwith other members of the trust illegally started another school and entire record of the school where the Petitioner was working was shifted. Second school subsequently received recognition and the dispute regarding that school is pending in this Court. He submitted that the termination of the Petitioner is a result of the internal politics in the Trust.

3. Even assuming the school where the Petitioner worked continues to be recognized, the Petitioner cannot succeed in getting the order of reinstatement. The School Tribunal has noted that there were no pleadings regarding any advertisement for the post of the Assistant Headmaster or Assistant Teacher being published. There was no sanctioned post of the Assistant

Headmaster, the post which was held by the Petitioner. The contention of the Petitioner that this illegality can be cured by approval of the Education Department was rejected relying on the decision of this Court in *Jaymala Ramteke v/s. Presiding Officer and Ors. [2009(5) Mh.L.J. 333]*. The School Tribunal has also taken note of the decision of the Division Bench of this Court in *Priyadarshini Education Trust & Ors. v/s. Ratis (Rafia) Banu D/o. Abdul Rasheed & Ors. [2007(6) Mh.L.J. 667]*, wherein the Division Bench has laid down the parameters regarding the legal way for appointments in a recognized school.

4. Since the appointment of the Petitioner was not as per the procedure emphasized by the Division Bench in *Priyadarshini Education Trust (supra)*, no fault can be found with the view taken by the School Tribunal that the Petitioner is not entitled to reinstatement.

5. The Writ Petition therefore cannot be entertained and is rejected.

6. In view of the rejection of the Writ Petition, the Civil Application does not survive and is disposed off accordingly.

(N.M. JAMDAR, J.)