

Sequeira

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

WRIT PETITION NO. 3236 of 2013

Shri Sant Tukaram Maharaj Shikshan
Sanstha,

Through its secretary,

Shri Vishnu Bhikoba Tambe & anr.

.. Petitioners

Vs.

Shri Rajesh Jalinder Sable & ors.

.. Respondents

Mr.S.V.Pitre, for Petitioners.

Ms.Lata Patane, for Respondent No.1.

Mr.S.P.Thorat, for Respondent No.2.

Mr.S.D.Rayrikar-Assistant Government Pleader, for Respondent
No.3.

CORAM: N.M.Jamdar, J.

Thursday, 10 December 2015

PC. :

By this petition, the Petitioners challenge the order passed by the School Tribunal Pune, allowing the Appeal No.23 of 2012 filed by Respondent No.1.

2. The Respondent No.1 filed Appeal No.23 of 2012 in the School Tribunal Pune, contending that he was appointed on 14 June 2010, his work was satisfactory and he was terminated on 4 April 2012 giving reason in the order that next academic year number of students would be reduced. The School Tribunal after considering the evidence produced on record held that the reason

given for termination of the Petitioners was not correct as there was no such reduction in the strength of the students. The contention of the Petitioners that the appointment of the Respondent No.1 was not as per rules was negated. Accordingly, School Tribunal allowed the appeal.

3. As regards the appointment of the Respondent No.1 after following the procedure too, it appears that there was an advertisement issued on 7 April 2010 for filling up the posts. The Respondent No.1 was duly qualified and has been appointed by the Secretary who was empowered to issue such appointment letter. The Tribunal has considered this aspect in detail and has found that the appointment could not be said to be in violation of rules. The Tribunal found that the termination was on a hypothetical ground of proposed reduction and no such reduction existed. A reply affidavit has been filed by the Respondent No.1 placing on record that the Petitioners thereafter have issued advertisement for inviting application for the very same post which the Respondent No.1 occupied. Therefore, the only ground given for termination of the Respondent of reduction in workload neither existed at the time of termination nor even today. In the circumstances, no error is found in the impugned order.

Writ petition is accordingly **rejected**.

(N.M.Jamdar, J.)