

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 7482 OF 2007**

Shri Satav Pradeepkumar Sitaram

Age about 35 years,

Occupation- At present Nil,

R/at At post Wagholi, Domkhel,

Tal. Haveli, Dist. Pune.

....Petitioner.

Vs.

1 Pune District Education Association  
Erandavane, Paud Road,  
Pune-411038,  
(Through its Secretary)

2 The Education Officer,  
Secondary Section,  
Zilla Parishad, Pune.

3 The Dy. Director of Education,  
Pune Region,  
17, Dr. Ambedkar Road,  
Pune-411 001.

4 The Director of Education,  
Maharashtra State,  
Central Building,  
Pune-411 001.

5 The State of Maharashtra,  
Department of Education,  
Mantralaya, Mumbai.  
(Through its Secretary)

....Respondents.

None for the Petitioner.

Ms. M.S. Bane, AGP for Respondent Nos. 2 to 4.

**CORAM : SMT. VASANTI A. NAIK AND  
C.V. BHADANG, JJ.  
DATE : 9<sup>th</sup> JANUARY 2015.**

**ORAL JUDGMENT (PER SMT. VASANTI A. NAIK, J.):**

By this Petition, the Petitioner seeks a declaration that the failure on the part of the Respondent No.1-Institution to appoint the Petitioner as a regular full time drawing teacher, is illegal and arbitrary. The Petitioner seeks a direction to the Respondent No.1-Institution to appoint the Petitioner on the post of full time drawing teacher, that had fallen vacant after the Petitioner has worked as a drawing teacher, for the first time.

The Petitioner was appointed as a drawing teacher in leave vacancy from 1.2.1999 to 31.3.1999, from 1.12.2000 to 3.3.2001, from 23.7.2001 to 30.10.2001, from 15.1.2002 to 30.4.2002, from 24.1.2004 to 23.4.2004 and from 21.07.06 to 10.10.2006.

Before appointing the Petitioner on leave vacancy from time to time, the Respondent No.1-Institution had issued advertisements inviting applications for the post of drawing teacher. The Petitioner had applied in pursuance of the said advertisement, but the Petitioner was not appointed as a drawing teacher on regular

basis. In 2005 and in 2006, the Respondent No.1-Institution had appointed Mrs. Sangeeta Garud and Mrs. Amruta Kharade on the post of drawing teachers on regular basis. After their appointments on regular basis on 13.12.2005 and 6.2.2006, the Petitioner had worked as a drawing teacher in leave vacancy from 21.07.2006 to 10.10.2006. The Petitioner had made a representation to the Respondent No.1-Institution to appoint the Petitioner on permanent basis, but the request of the Petitioner was rejected and hence this Petition.

On a perusal of the Writ Petition and the reply filed by the State Government, it appears that the relief sought by the Petitioner cannot be granted. It cannot be declared that the failure on the part of the Respondent No.1-Institution to appoint the Petitioner as a regular full time drawing teacher is illegal or arbitrary. The Petitioner had applied in pursuance of the various advertisements issued by the Respondent No.1-Institution and though the Petitioner was not appointed as a regular drawing teacher, the Petitioner never challenged the action of the Respondent No.1-Institution in not appointing the Petitioner. In fact, even after the appointment of Mrs. Garud and Mrs. Kharade as drawing teachers on regular basis, the Petitioner never challenged their appointments. Mrs. Garud and Mrs.

Kharade are not joined as parties to this Petition. In the absence of any fresh advertisement and in the absence of the selection of the Petitioner in pursuance of an advertisement, no direction can be issued to the Respondent No.1-Institution to appoint the Petitioner on the post of full time drawing teacher. There is no merit in the Petition and the same is liable to be dismissed.

The Writ Petition is dismissed as such with no order as to costs.

**(C.V. BHADANG, J.)**

**(VASANTI A. NAIK, J.)**