

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7685 OF 2014

Ansari Shabnam Bano D/o. Mohd.Shabbir ...Petitioner

V/s.

1. (Chairman), Education Committee & Ors. ...Respondents

Mr.Firoz A.Ansari, for the Petitioner.

Mr.V.B.Thadani, AGP for Respondent – State.

Mr.N.R.Bubna, for Respondent No.1.

CORAM : MOHIT S. SHAH, C.J. AND
G.S.KULKARNI, J.

DATE : 17 APRIL 2015

PC :

1. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for a direction to the respondents to appoint the petitioner in the service of respondent No.1 – Primary Education Committee of Bhiwandi Nizampur (City) Municipal Corporation on a post reserved for a person with disabilities.

2. In the affidavit in reply dated 12 September 2014 of the Chairman of the Education Committee Bhiwandi Nizampur (City) Municipal Corporation, it is stated that the role of respondent No.1 is to give appointment to persons who are selected and whose names are forwarded by the Selection Committee of the State Government. It is further stated that since the petitioner's name is not forwarded by the Selection Committee of the State Government, nothing can be done by Respondent No.1 and, therefore, the petitioner is not entitled for any relief. Learned Counsel for respondent No.1 states that 30 posts are reserved for the persons with disabilities and the Municipal Corporation has already appointed 26 persons against such reserved posts. It is submitted that as and when the State Government issues advertisement for the remaining posts reserved for persons with disabilities, the petitioner may apply in response to such advertisement.

3. Learned Additional Government Pleader submits that as per the Government Rules, a candidate is required to have at least 55% marks in qualifying examination and at least 50% for the purpose of eligibility for an appointment to the post of Primary Teacher. However, the petitioner who applied in the open category had obtained less than 55% marks as is clear from the mark-sheet produced by the petitioner herself at "Exhibit C" collectively to the petition. Learned AGP submits that in view of the above, the State Government has not

committed any illegality in not recommending the petitioner's name for the post of Primary Teacher.

4. In view of the above, we do not find merit in the petition. Petition is, therefore, dismissed.

(CHIEF JUSTICE)

(G.S.KULKARNI, J.)