

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.262 OF 2015

Usha Parmar .. Petitioner

-Versus-

The Chairman/ President
New Sarvajanic Education Society & Ors. .. Respondents

Mr.V.S.Deokar for petitioner
Mr.S.K.More for respondent Nos. 1 and 2
Mrs.Anjali Helekar, AGP for respondent Nos. 3 and 4

CORAM : SMT. V.A.NAIK &
C.V.BHADANG, JJ.

DATE : 27th February 2015.

P.C.

By this petition, the petitioner seeks a direction to the respondent No.1 to promote the petitioner on the post of Principal.

The petitioner claims to be the senior most teacher in the school and, therefore, claims promotion on the post of Headmistress as there is vacancy in that post.

The learned Counsel for the management states that the petitioner cannot be promoted to the post of Headmistress as the respondent school is granted a minority status and the post of Headmistress is one of the three posts that are notified as per section 3(3) of the Maharashtra Employees of Private Schools (Conditions of Service Regulation) Act. It is further stated that the petitioner cannot file the writ petition after participating in the selection process by appearing at the written examination conducted in pursuance of the advertisement issued by the Management.

On hearing the learned Counsel for the parties, it appears that the petitioner cannot effectively challenge the advertisement and the selection process after participating in the same. If the petitioner desired to plead that the management could not have advertised the post of Headmistress as she was entitled to be promoted on that post, the petitioner ought not have participated in the selection process initiated in pursuance of the advertisement. It would be worthwhile to refer to the judgements of the Hon'ble Supreme Court reported in (2009) 3 SCC 227 (Amlan Jyoti Borooh

Vs. State of Assam & Ors.) and (2011) 1 SCC 150 (Vijender Kumar Verma Vs. Public Service Commission, Uttarakhand & Ors.) in this regard.

For the reasons aforesaid, we dismiss the petition with no orders as to costs.

(C.V.BHADANG, J)

(SMT. V.A.NAIK, J.)