

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 357 OF 2014

Sundarlal Hari Rokade

-vs-

Dnyan Prasarak Shikshan Sanstha and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Amol Mardikar, counsel for the petitioner.
Mr.A.Dixit, counsel for the respondent Nos.1 and 2.
Mr.A.S.Fulzele, AGP for the respondent Nos.3.

CORAM : SMT.VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 20.07.2015.

By this petition, the petitioner seeks a direction to the respondent No.1 to appoint the petitioner as an Assistant Teacher by terminating the services of the respondent No.2.

The petitioner was appointed as a Headmaster on 30/08/1995 and the services of the petitioner were terminated by the Management. The petitioner challenged the termination order before the School Tribunal. The School Tribunal dismissed the appeal filed by the petitioner and the said order attained finality after the writ petition as well as the special leave petition filed against the dismissal of the appeal were dismissed. The petitioner has now sought his appointment on the post of Assistant Teacher.

The prayer made by the petitioner in the instant petition cannot be granted. The petitioner was admittedly appointed on the post of Headmaster and his appointment is held to be bad-in-law in the absence of an advertisement, the

petitioner cannot seek appointment on the post of Assistant Teacher on the ground that there is a vacancy on the post of Assistant Teacher. The prayer made in the writ petition is misconceived.

The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE