

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1740 OF 2014

Sanjay Jagdev Ugale ..vs.. State of Mah. and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs.T.D.Khade, Adv. for the petitioner.
Mrs.B.P.Maldhure, AGP for resp.1 to 4.
Mr.S.V.Deshmukh, Adv. for respondent no.5.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : AUGUST 24, 2015.

1. Heard learned counsel for the parties.
2. Approval given to employment of petitioner has been cancelled after providing an opportunity of hearing by a speaking order. A post of Mathematic Teacher was lying vacant, according to the learned counsel appearing for respondent no.5, since last about two years. It was filled in by issuing advertisement dated 24th of December, 2011. Interview was conducted on next day i.e. on 25th of December, 2011. Only one candidate appeared and he was allowed to join on 27th of December, 2011.
3. Advocate Mrs.Khade submits that the petitioner is duly qualified and cannot be held responsible for this state of affairs. She further points out that direction to register F.I.R. issued by Deputy Director in impugned order has been set aside by this Court in challenge thereto under Section 482 of Code of Criminal Procedure proceedings.
4. Advocate Mr.Deshmukh appearing for Management submits

that the Education Department granted necessary clearance to fill in vacancy on 13th December, 2011. The academic year had already begun and hence it was necessary to fill in that post. On 19th of December, 2011 Education Department published a list of dates on which Campus for grant of approval were to be held and one such Camp was to be held on 27th of December, 2011. It became therefore imperative for the Management to complete procedure before 27th of December, 2011. Accordingly, advertisement was issued and on next day immediately interviews were conducted. He further submits that only one candidate reported for those interviews.

5. Learned Assistant Government Pleader supports the order. She points out that the Deputy Director of Education has found it not proper that advertisement was published with such short notice. She submits that in fact the said advertisement itself is found doubtful.

6. After hearing respective counsel, we find that some disputed questions arise and the same cannot be resolved satisfactorily in this jurisdiction.

Hence, with liberty to petitioner to file such other proceedings as are open in law, we dispose of the petition.

No costs.

JUDGE

JUDGE

Chute.