

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

WRIT PETITION NO.2070 OF 2014

Varsha Sharad Patrange

-vs-

Presiding Officer, School Tribunal Chandrapur & Ors.

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

Court's or Judge's Orders.

Shri M. P. Khajanchi, Advocate for petitioner.

Shri Thakre, Advocate for respondent No.2.

Shri M. A. Kadu, AGP for respondent No.3.

CORAM : A.S.CHANDURKAR, J.

DATE : JUNE 16, 2015

The petitioner herein is aggrieved by the order passed by the School Tribunal while answering the preliminary issues in the appeal preferred by her challenging the order of termination dated 30/04/1993.

According to the petitioner she was appointed on the post of 'Assistant Teacher' after responding to an advertisement issued by the Management and in view of the fact that she was duly qualified. It is her case that the post on which she was appointed was a permanent post and hence she ought to have been appointed on probation. The Management in its reply took the stand that the post in question was not a permanent post. According to it, the appointment was of a temporary nature. The School Tribunal while deciding the preliminary issues, found that on the copy of the advertisement placed on record neither the name of newspaper nor its date was mentioned. It therefore held that said advertisement could not be relied upon. Thus treating the appointment as temporary, the School Tribunal dismissed the appeal.

Shri M. P. Khajanchi, learned counsel appearing for the petitioner submitted that it had been specifically pleaded that the

post in question had been duly advertised and the prescribed procedure had been followed while appointing the petitioner. These pleadings had been vaguely replied by denying that there was an alleged advertisement in the newspaper for a permanent post. He further submitted that a finding that the appointment was temporary could not have been given while answering the preliminary issues.

Shri Thakre, learned counsel appearing for respondent No.2 supported the impugned order. According to him, the burden was on the petitioner to prove that the post had been duly advertised and she was appointed after following the prescribed procedure.

I have perused the copy of the advertisement that was placed by the petitioner before the School Tribunal. The observation of the School Tribunal that neither the name of the newspaper nor the date of said advertisement can be gathered is justified. Similarly the order of appointment dated 17/08/1992 states that the same is on temporary basis till 30/04/1993. It is in this background that the School Tribunal has found that appointment of the petitioner was on temporary basis. This finding recorded by the Tribunal cannot be termed to be perverse to warrant interference in writ jurisdiction. It is also to be noted that the order of termination is dated 30/04/1993 after which period of more than 20 years have lapsed. In these circumstances, I am not inclined to interfere with the impugned order. The writ petition is therefore dismissed with no order as to costs.

JUDGE