

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

WRIT PETITION NO.3795 OF 2013

(Mulchand Premal Baghele Vs. The State of Maharashtra & others)

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

Court's or Judge's orders

Shri Anand Parchure, Advocate for the petitioner.
Shri A. S. Fulzele, A.G.P. for respondents No. 1 & 2.

CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.
DATED : 24 APRIL, 2015

1. Heard Advocate Shri Parchure for the petitioner and learned A.G.P. for respondents No. 1 and 2. Nobody appears for respondents No. 3 and 4.

2. The petitioner was appointed as part-time Shikshan Sevak because of qualification of post graduation in Political Science. He claims that he was always teaching Geography and Environmental Science subjects and, therefore, after completion of three years as Shikshan Sevak, he should have been made permanent Assistant Teacher to teach Junior College.

3. Learned A.G.P. submits that the petitioner is recruited as part-time Shikshan Sevak and has worked in that capacity only, as such he cannot be made permanent Assistant Teacher. He also points out that petitioner does not possess qualification to teach Environmental Science

subject in Junior College.

4. The petitioner claims to be post graduate with Political Science subject. He has further stated before this Court in counter affidavit filed in February, 2014 that he was teaching eight periods each of subject Geography to 11th and 12th standard and then also shouldered workload of two subjects of periods for standard 11th Arts and Commerce as also two periods for standard 12th Arts and Commerce in respect of subject Environmental Science.

5. Learned A.G.P. has pointed out that the petitioner does not possess post graduate degree in Environmental Science and, therefore, he is not eligible to teach that subject.

6. Advocate Shri Parchure submits that Master of Arts qualification in Environmental Science subject is expressly made necessary prospectively and hence the argument raised in defence is erroneous. He further adds that as the petitioner is entitled to teach subjects which he had offered for graduation, the petitioner can be given workload not only Political Science or Geography but also other subjects.

7. Already period of more than two years has expired after filing of this writ petition. Counter affidavits

and additional affidavits has come in sufficient number and some disputed issues arise for determination. In this situation, we find that interest of justice can be met with by granting the petitioner leave to make proper representation pointing out subjects chosen by him at graduation level and thereafter for post graduation. He can also point out relevant resolution which enable him to teach subjects in which he has graduated. Petitioner to make such representation within a period of four weeks from today. Respondent No.2 shall look into it independently on its own merits after extending opportunity of hearing to respondents No. 3 and 6 within further period of six weeks.

With these directions and keeping the rival contentions open, the writ petition is disposed of. No costs.

JUDGE

JUDGE