

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

WRIT PETITION NO. 5540 OF 2013

(Sudarshan Vishwanath Kamble vs. State of Maharashtra thr. Secretary, Education Department & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 13, 2015.**

Heard Shri Potbhare, learned counsel for the petitioner and Shri Rode, learned AGP for respondent Nos. 1 to 3.

Perused Civil Application No. 69 of 2015 filed by the petitioners for amendment. By amendment, name of the Newspaper contained in para 3 of the petition is sought to be replaced. The additional plea i.e. the names of the persons who were appointed without any advertisement and given approval is sought to be added.

The learned counsel for the department and the management, however, state that there was an advertisement even then.

The learned AGP has invited our attention to the reply affidavit. He submits that there was no advertisement at all when the petitioner was appointed. He also points out that when the advertisement was directed to be produced, a photocopy of a page allegedly

of a Newspaper by name *Vidarbha Ki Lahare Weekly* was produced.

Shri Potbhare, learned counsel has very fairly handed over that copy to the Court. It is taken on record and marked as X for identification. He also accepts that the said photocopy obtained is of a page of Newspaper *Vibharbha Ki Lahare Weekly*.

The perusal of para 3 of writ petition shows that the petitioner claims publication of advertisement in Newspaper Mahavidarbha and its date is stated to be 10.12.2013. With writ petition only a column containing an advertisement is placed as Annexure B. Neither the petitioner nor the management is in a position to produce before the Court complete Newspaper or any authentic material to show that there was such an advertisement. Merely because in other matters without any advertisement appointments were made and approved, that does not mean that similar treatment must be given to present petitioner. The persons who are approved are not party before this Court and as such we cannot record any finding to their prejudice. We are satisfied that the finding recorded by the Education Officer in this case is not erroneous or perverse.

No case is, therefore, made out warranting any interference. Writ Petition is dismissed. No costs.

JUDGE

JUDGE