

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9684 OF 2016

VIKRANT GAJANANRAO DHOTE
VERSUS
THE EDUCATION OFFICER (S), ZP, NANDED AND OTHERS

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Advocate for Petitioner : Shri Deshmukh Prashant K.
AGP for Respondents: Shri Kutti P.N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 03, 2016

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PER COURT :-

1. The petitioner is aggrieved by the judgment dated 6.9.2014, delivered by the School Tribunal, by which, Appeal No.7 of 2013 filed by the petitioner has been dismissed.

2. Shri Deshmukh, learned Advocate for the petitioner has strenuously criticized the impugned judgment. Contention is that he is H.S.C., C.T.C. (Craft Training Course) qualified. CTC is equivalent to D.Ed.. An advertisement was published on 19.3.2008 in Daily Mahasagar. He applied pursuant to the advertisement and was appointed by order (undated). Having worked from 1.4.2008 till 15.3.2011 as a Shikshan Sevak, he should have been confirmed in service. The Head-master issued the order of termination dated 15.3.2011, since the Education Officer had declined to grant

approval.

3. He further submits that the Education Officer lost sight of the fact that CTC is given equivalence of D.Ed. by the Government Resolution dated 18.12.2003. Despite the same, the Education Officer declined approval leading to his termination. He further submits that the School Tribunal lost sight of the fact that if the petitioner would have completed three years as a Shikshan Sevak, he would have been absorbed in service.

4. Having considered the submissions of the learned Advocate for the petitioner, I have gone through the petition paper book.

5. Respondent No.1 - Education Officer has passed a detailed order dated 6.12.2010, while considering the proposal of the petitioner for grant of approval. He has considered the entire circumstances and has concluded that the management had taken permission for publishing an advertisement so as to fill in the vacancy. However, though the Education Officer approved the qualifications of H.S.C., D.Ed., the management altered the qualifications in the advertisement and added CTC as a qualification. The petitioner is CTC qualified. Three applicants from the O.B.C. category, bearing D.Ed. qualifications had applied

for the post. The management ignored these candidates and appointed the petitioner, who was H.S.C., CTC.

6. I have gone through the Government Resolution dated 18.12.2003. It appears from the said Government Resolution that those persons with CTC qualifications could be engaged on an honorarium (Mandhan). The Government Resolution does not speak of an equivalence having been granted to CTC vis-a-vis D.Ed. As such, the said Government Resolution could be of assistance only to the extent of deciding the honorarium to be paid to a Shiskan Sevak, who does not have the requisite qualification.

7. The above aspect has been considered by the School Tribunal. Though lack of approval may not necessarily be a cause for termination, as held by the learned Full Bench of this Court in the matter of St. Ulai High School and another Vs. Devendraprasad Jagannath Singh and others [2007 (1) Mh.L.J. 597], an under qualified employee cannot be regularized in employment.

8. In the light of the above, I do not think that the impugned judgment of the School Tribunal could be termed as perverse or erroneous.

9. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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