

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 5801 OF 2016

Vrushali d/o Gulabrao Marathe

.. PETITIONER

VERSUS

The Education Officer (Secondary)
& others

.. RESPONDENTS

Mr. R.P. Phatke, advocate for petitioner.

Mr. K.D. Mundhe, AGP for the State.

Mr. C.K. Shinde, advocate for respondent no. 2.

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CORAM : R.M. BORDE &

SANGITRAO S. PATIL, JJ.

DATE : 19th DECEMBER, 2016.

PER COURT :

Petitioner is objecting to the advertisement issued by the respondent-institution for the purpose of making appointment to the post of teacher. Petitioner contends that he is an employee of respondent-institution and the post held by him is also advertised by the employer.

2. Affidavit-in-reply has been presented on behalf of respondent-management wherein it has been stated that the petitioner is not in employment of the institution. In this view of the matter, since disputed question of fact in respect of continuation of petitioner as teacher has been raised, keeping the option to avail of remedies available in law open for the petitioner, writ petition stands disposed of.

3. Petitioner shall have liberty to challenge the action of deemed

termination of services by approaching appropriate forum provided under the relevant law. So far as the grievance raised by petitioner in respect of alleged illegalities committed by management in issuing advertisement for filling up vacancies is concerned, it would be open for the petitioner to tender appropriate representation either to the Education Officer or to the Deputy Director of Education who shall consider the same and, if deemed necessary, issue necessary instructions.

4. In view of above, writ petition stands disposed of.

(SANGITRAO S. PATIL)
JUDGE

(R. M. BORDE)
JUDGE

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