

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.219 OF 2016
(Arvind Nivrutti Bhise Vs. The State of Maharashtra and others)
IN
WRIT PETITION NO.9361 OF 2013

Mr.K.N.Farooqui h/f Mr.R.E.Khillare, Advocate for the petitioner.
Mr.S.P.Sonpawale, AGP for respondent Nos. 1 to 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/11/2016

PER COURT :

1. The applicant seeks review of the order of this Court dated 16/09/2016 delivered in WP No.9361/2013 by which his petition was dismissed. The only reason for filing the review application is that a Government Resolution dated 09/02/2016 has been introduced by the Government and clause 3 and 4 of the said GR is applicable to the case of the review petitioner.

2. I have considered the submissions of the learned Advocates, who have taken me through the said Government Resolution.

3. The petitioner was appointed on 18/06/1997 as an untrained assistant teacher on the condition that he would complete his D.Ed. within 3 years as per the law and the GR applicable then.

4. Since he did not acquire the D.Ed. qualification, he was terminated from employment on 17/12/2005. Thereafter, he acquired D.Ed. qualification on 30/12/2009.

5. The applicant came before this Court with the case that he should be included in the 1433 untrained teachers list in the light of the GR dated 25/09/2006. The said GR was introduced by the State Government for protecting the services of those eligible persons, who were to acquire their D.Ed. qualifications and were in employment. A last list of 357 teachers was approved as a special case and the applicant's name did not figure in the said list.

6. The GR dated 09/02/2016 provides for extension of time for acquiring D.Ed. qualification to such employees who have been appointed after the introduction of the Right of Children to Free and Compulsory Education Act, 2009. The said act was introduced after the termination of the applicant. The GR dated 09/02/2016 is aimed at enabling newly appointed teachers to acquire their D.Ed. qualification with the protection against their probable termination being extended upto 28/02/2019.

7. In the light of the above, I do not find that the petitioner could draw any benefit of the said GR. No error on the face of the order has been pointed out. The review application, being devoid of merit, is therefore, rejected.

(RAVINDRA V. GHUGE, J.)