

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 677 OF 2016

Tanvir Sattar Maniyar.

... Petitioner.

V/s.

Malran Shikshan Sanstha and Ors.

... Respondents.

Mr. Sunil Dighe for the Petitioner.

CORAM : N.M. JAMDAR, J.

DATE : 26 FEBRUARY, 2016.

P.C. :-

By this Petition the Petitioner challenges the order passed by the School Tribunal dated 20 February 2015 dismissing the Appeal filed by the Petitioner.

2. Heard the learned Counsel for the Petitioner.

3. The Petitioner went with a specific case to the School Tribunal that he was appointed on clear vacancy on permanent basis. He asserted that he was qualified, he was appointed after following the due procedure and he was a full time teacher. He stated that having worked continuously for seven years as a permanent teacher, he was wrongfully restrained from joining the

service which amounted to oral termination. The Tribunal found that the only appointment order that was placed on record by the Petitioner clearly indicated that the appointment was for temporary period. It was not in the vacancy of permanent post. The Petitioner did not demonstrate that there was any vacancy in the post of permanent teacher and that permission was sought from the Education Officer. The Petitioner relied upon an advertisement to demonstrate that procedure was followed however, nothing was shown as to whether he attended the interview or that he was one of the selected candidates. No Resolution appointing him is also placed on record. The case of the Respondent – management that the Petitioner was appointed on clock hour basis was accepted. The only contention raised by the learned Counsel for the Petitioner is that this position occurred because of inter-se dispute between the trustees of the Respondent – management, however, that will not dilute the primary requirement of the Petitioner demonstrating that his appointment was in permanent vacancy. In fact, the assertion of the Petitioner in the appeal memo that he was appointed on permanent basis is falsified by the appointment order itself.

4. In the circumstances, no interference is warranted in writ jurisdiction. The Writ Petition is rejected.

(N.M. JAMDAR, J.)