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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******LETTERS PATENT APPEAL No. 143 OF 2007******IN******WRIT PETITION No.496 OF 1996******Smt. Bharati Suryakant Wadkar******...Appellant******Vs.******Chairman, School Committee,******Kai Kashibai Dalavi Shikshan Sanstha and Ors. ...Respondents**************

None for the Appellant

Mr. N.V. Bandiwadekar for Respondent No.1

**************CORAM : V. M. KANADE &******SMT. SWAPNA S. JOSHI, JJ******DATE : SEPTEMBER 16, 2016******P.C. :***

1. None appears on behalf of the Appellant. Heard Shri Bandiwadekar, learned counsel for Respondent No.1. He has taken us through the impugned order passed by the Learned Single Judge. We find that there is no infirmity in the reasons given by the Learned Single Judge while allowing the writ petition.

2. Brief facts are that the Appellant herein has filed an application,

seeking appointment as an Assistant Teacher in Respondent No.1-School. She was appointed with effect from 11.6.1993 on probation for a period of two years. Her services, however, were terminated by notice dated 28.3.1994. It has stated in the said termination notice that the work of the Appellant herein was not satisfactory.

3. The Appellant, however, was again appointed for a period of one year by a fresh order dated 7.6.1994. It is not in dispute that the said order of appointment mentions that the Respondent was appointed on a temporary basis for one academic session. The order of appointment also in term states that her appointment was made on the vacancy reserved for OBC Category. At the end of the academic year, the services of the Appellant were terminated by notice dated 28.3.1995.

4. The Appellant, being aggrieved by the said order, preferred an appeal under section 9 of the Maharashtra Employees' of Private Schools (Conditions of Service) Regulation Act, 1977 before the School Tribunal. The School Tribunal allowed the appeal and directed to reinstate the Appellant. Being aggrieved by the said order, Respondent No.1 School preferred a writ petition before the Learned Single Judge. The Learned Single Judge, after going through the record, has observed

that the Appellant herein was appointed against the reserved post and that too on a temporary basis for a period of one year. The Learned Single Judge has observed that the Tribunal has committed a patent illegality in holding that Respondent No.1 had become permanent on completion of two years of service.

5. Hence, in our view, no case is made out by the Appellant to interfere with the impugned order passed by the Learned Single Judge. Appeal, therefore, is dismissed.

SWAPNA S. JOSHI, J.

V.M. KANADE, J.