

Sequeira

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

WRIT PETITION NO. 12688 of 2015

Shri Sanjay Bapu Bansode.

.. Petitioner

Vs.

Param Puja Swami Vivekanand
Sewashram Sanshta & Ors.

.. Respondents

Mr.N.VBandiwadekar i/b Mr.Sagar Mane, for Petitioners.

Ms.Vaishali Nimbalkar-Assistant Government Pleader, for
Respondent No.1.

***CORAM: N.M. JAMDAR, J.
Friday, 29 January 2016***

PC.:

The Petitioner challenges the order passed by the School Tribunal dated 15 September 2014 dismissing the appeal filed by the Petitioner.

2. The Petitioner applied pursuant to the advertisement issued by the Respondent-Management in respect of teacher in Geography on part-time basis. The Petitioner was appointed by appointment letter dated 15 September 2006. The appointment was for a limited period of one year. Thereafter the proposal sent by the Respondent-Management to the Education Authority was rejected. According to the Petitioner his services were discontinued orally, which action of the Respondent-Management the Petitioner challenged, by way of filing an appeal No.9 of 2009 before the

School Tribunal. The School Tribunal dismissed the appeal by the impugned order.

3. The learned counsel for the Petitioner submitted that the reason given for non-continuation of the Petitioner that the quota of the Schedule Caste had exceeded, was incorrect, as neither advertisement nor appointment letter specified that the Petitioner was appointed in the reserved category. However before going into the merits of reason for discontinuance of the services of Petitioner, it has to be seen whether the Petitioner has any legal right to be reinstated in services. The Petitioner was appointed only for period of one year. Generally, the appointment for 'Shikshan Sevak' is for a period of three years. Thereafter on completion of that period the provisions of law governing confirmation in services of Shikshan Sevak comes in play. In the present case the Petitioner with full knowledge accepted his appointment for period of one year. After period of one year his services were not continued. No legal right flows to the Petitioner from such temporary appointment of one year, which he had accepted. In the circumstances, no relief can be granted to the Petitioner in the present case. Writ petition is accordingly **rejected**.

(N.M.Jamdar, J.)