

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4108 OF 2015

(Ku. Sarika d/o Mudrikaprasad Tiwari vs. State of Maharashtra thr. its Secretary, Ministry of
General Administration Department & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.
JULY 11, 2016.**

Heard Shri U.J. Deshpande, learned counsel for the petitioner, Shri N.H. Joshi, learned AGP for respondent No. 1 and Shri S.V. Sohoni, learned counsel for respondent Nos. 2 & 3. Nobody appears for respondent No. 4.

The petitioner, an Assistant Teacher, in employment of the Municipal Corporation, seeks a formal and permanent appointment order as a Law Officer in its employment. The effort is to demonstrate that the petitioner was found as surplus as Assistant Teacher and hence was absorbed or allowed to work as Assistant Law Officer.

After hearing the petitioner-in-person and counsel for the respondents on previous occasion, we have passed some orders. On 14.03.2016, we have taken note of the statement made by the Municipal Corporation that the petitioner is working as Assistant Teacher and her working will not be disturbed. On 28.03.2016, we have formulated the question so as to enable the petitioner to assist the

Court. On 13.04.2016, again the matter was adjourned.

Today, it is not in dispute that the petitioner is working on her substantive post as a Assistant Teacher. The effort of Shri Deshpande, learned counsel is to show that four teachers were then found surplus and the petitioner was one of them.

Shri Sohoni, learned counsel disputes this. He is relying upon the reply affidavit to show that she was never found surplus.

We do not wish to go into said controversy.

It appears that the petitioner has got degree in Law and her services have been utilized in LBT Section of the Municipal Corporation and thereafter for about one year as Assistant Law Officer. She was thereafter relieved for joining as a Assistant Teacher.

We, in this situation, are not inclined to go into the legality or correctness of the procedure followed by the respondents.

The employment with the Municipal Corporation is public employment and if any steps are taken by the Municipal Corporation to fill in the post of Assistant Law Officer or any other equivalent post in which Law degree is required, the petitioner shall be free to apply in response to such an advertisement. Her candidature shall be independently looked into in view of the experience which she has acquired while working with same Municipal Corporation. This litigation or its outcome shall not in that event come in her way.

However, her services as Assistant Teacher shall

not be dispensed with except in accordance with law in the matter.

With these directions, we dispose of the present writ petition. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

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