

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2734 OF 2016

Suravase Bappa Ashru,
Age : 35 years, Occ. Nil,
r/o. Mungewadi, Kharda,
Tq. Jamkhed, Dist. Ahmednagar ..Petitioner

Vs.

1. The State of Maharashtra,
Through the Secretary,
School Education Department,
Mantralaya, Mumbai - 400 032
2. Zilla Parishad, Ahmednagar,
Through its Chief Executive
Officer, Zilla Parishad,
Ahmednagar
3. The Education Officer (Primary),
Zilla Parishad, Ahmednagar ..Respondents

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Mr.C.V.Thombre , Advocate for petitioner
Mr.A.S.Shinde, AGP for respondent no.1
Mr.S.T.Shelke, Advocate for respondent nos.2 and 3.

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 28, 2017**

ORDER :

This petition is filed for giving
directions to the respondents to consider the claim
of the petitioner for giving appointment on the

basis of the Government Resolution dated 27.09.2011 issued by the School Education and Sports Department, Government of Maharashtra, Mantralaya, Mumbai.

2. Heard both sides.

3. It appears that the petitioner was working as Vasti Shala Teacher on contract basis in Vasti Shala at Mungewadi, Tq. Jamkhed, Dist. Ahmednagar. Due to the absence of the petitioner, by passing a resolution, his services were terminated and as there was nobody to take care of the said Vasti Shala, the Vasti Shala itself was closed.

4. It is the case of the petitioner that he worked on the said post for 1 year and 11 months and the employees who were working on the said post, are entitled to get benefit under the afore-said Government Resolution dated 27.09.2011. The petitioner contends that it was not his fault that he could not work for the remaining period and therefore, he is entitled to get benefit of the

afore-said Government Resolution.

5. This Court holds that there is no force in the contention of the petitioner and the same cannot be accepted as it is. The record shows that due to the conduct of the petitioner, by passing resolution, his services were terminated. The petitioner served on the said post only for 1 year and 11 months and the Vasti Shala itself was closed due to the conduct of the petitioner. Further, on the date of issuance of the afore-said Government Resolution, the petitioner was not working on the said post. Though this Court had, in the past, given direction to the respondents to consider the claim of the petitioner, this Court holds that the order under challenge in this petition, cannot be interfered with and no direction can be given in view of the afore-said circumstances.

6. The Writ Petition stands dismissed.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp