

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1928 OF 2017

Renuka Shivaji Misal,
Age -22 years, Occup – Unemployed,
R/o. Perjapur, Tq. Bhokardan
Dist. Jalna. .. Petitioner

VS.

1. The State of Maharashtra,
Through its secretary
School Education and Sports Department
Mantralaya, Mumbai 32.
2. The Education Officer (Primary)
Zilla Parishad Jalna.
3. The Block Education Officer,
Panchayat Samiti Bhokardan,
Dist. Jalna.
4. The Head Master,
Zilla Pqarishad Preliminary School,
Pewrjapur,
Tq. Bhokardan Dist. Jalna.
5. The Chairman,
School Administrative Committee,
Zilla Parishad Preliminary School,
Perjapur,
Tq. Bhokardan, Dist. Jalna.
6. Gangadhar Hanumantrao Talekar,
Age Major, Occup...
R/o Bhokardan Dist. Jalna. .. Respondents

Mr. S. N. Lute, Advocate for the petitioner
Mr. A. R. Kale, A.G.P for the respondent No.1/State
Mr. Vaibhav Deshmukh, Advocate for respondents No.3
and 4
Mr. S. S. Choudhary, Advocate for respondent No.6.

**CORAM : R. M. BORDE &
SMT. VIBHA KANKANWADI. JJ.**
DATE : 26-09-2017

PER COURT :

1. The petitioner is objecting to the selection of respondent No. 6 for the post of instructor by the respondents No. 4 and 5. The petitioner contends that, she is a meritorious than the selected candidate and as such she should have been preferred while offering employment. We have perused the chart prepared by the Headmaster recording the details in respect of qualification and experience of all the candidates. The petitioner has secured 72.31 % marks in 12th standard examination, whereas the selected candidate secured 56.17 % marks. It is noticed that, one another candidate by name Gavhane Yogita has secured higher marks than that of the petitioner i. e. 76.31 %. In any case the petitioner does not fulfill merit criteria even on consideration of the 12th Standard marks.

2. Learned counsel appearing for respondents has invited our attention to Government Resolution dated 7th October, 2015. It is

prescribed under the said Government Resolution that, if there are more than one applicants, holding similar qualification, the candidate higher in age, shall be preferred.

3. It is not a matter of dispute that the selected candidate is senior in age amongst all candidates and as such the selection of the respondent No.6 does not appear to be irregular. Even otherwise we do not find any substance in the petition as the post advertised is not a regular/ clear vacancy. The employment offered is on part time basis for which payment of honorarium is prescribed. In this view of the matter, the petitioner cannot be said to have any entitlement in law to claim the post which is part time employment under scheme and not a regular employment. Hence, no interference is called for in exercise of extraordinary jurisdiction under Article 226 of Constitution of India.

4. Writ petition is devoid of merits, and accordingly stands dismissed.

[SMT. VIBHA KANKANWADI]
JUDGE

[R. M. BORDE]
JUDGE

vjg/-.