

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

WRIT PETITION NO. 6233 OF 2007

Subhash Amrutrao Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. P. Brahme, Advocate for the Petitioner.

Shri S. N. Morampalle, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 24TH AUGUST, 2017.

FINAL ORDER :

. Mr. Brahme, the learned counsel for the petitioner submits that, the petitioner is entitled for the selection grade with effect from June 2002. The petitioner is working as an assistant teacher. The respondents are wrongly interpreting clause 5 of the Government Resolution dated 01.02.1990. The said clause is also unreasonable and does not stand to any reason. There is no rational nexus with the object in incorporating clause 5.

2. We have heard the learned Assistant Government Pleader also.

3. The petitioner could not have been granted selection grade in view of Clause 5 of the G. R. There were four teachers. Minimum five teachers are required. It needs to be considered that, only 20% from senior scale are eligible as per seniority for selection grade and for that minimum five posts are required to exist and precisely that is the import of clause 5 of the Government Resolution dated 01.02.1990. The said clause does not appear to be unreasonable. If there are five posts, then only 20% posts would come to one post, below that would make position unworkable. Clause 5 of the G. R. as such is reasonable and has a rational nexus.

4. In view of that, the writ petition is dismissed. Rule discharged. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 17