

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15325 OF 2016
(Ravindra Sadashiv More Vs. President, Pacchim Khandesh Bhagini
Seva Mandal and others)

IN
REVIEW APPLICATION STAMP NO.26718 OF 2016
IN
WRIT PETITION NO.11591 OF 2015

Mr.N.L.Choudhari, Advocate for the applicant.
Ms.S.S.Rout, AGP for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 07/03/2017

PER COURT :

1. I have heard the learned Advocate for the applicant on condonation of delay of (237) days as well as on the review petition. In order to assess as to whether there is any error on the face of the order dated 02/12/2015, I have gone through the grounds for review as well as certain documents from the writ petition, with the assistance of the learned Advocate.

2. The civil application is allowed and delay of (237) days is condoned.

3. The applicant vehemently submits that the advertisement dated 03/06/2008 was published for appointing a full time teacher.

Yet the applicant was appointed as a 'temporary teacher' for only one academic year 2008-2009. The proposal that was sent on 15/04/2009 pursuant to the appointment of the applicant on 11/07/2008 was rejected on 14/07/2009. Grievance is that rejection of the approval cannot be a ground for termination in the light of the judgment of the Hon'ble Full Bench in the matter of St.Ulai High School Vs. Shri Devendraprasad Jagannath, [2007(109) Bom.L.R. 60 = 2007(1) Mh.L.J. 597].

4. I do not find that the above submissions of the applicant can be entertained for the reason that the applicant had only challenged his termination dated 01/02/2011 and has not challenged his earlier termination of 2009. Since he did not challenge the said termination, the Tribunal did not consider his contentions. This Court also concluded that as he has not questioned his termination of 2009 w.e.f. 30/04/2009, there was no reason to entertain the grievance of the applicant.

5. The applicant then submits that even when he was appointed on 22/11/2010, the appointment order shows that he was appointed as a 'Full Time Teacher'. He draws my attention to the appointment order 22/11/2010. I find from the same that though the opening

paragraph of the said appointment order indicates that the applicant was granted a pay-scale as a 'Full Time Teacher', clause 2 of the appointment order specifically states that he was appointed against a leave vacancy for the period 22/11/2010 till 30/04/2011. However, as the approval was not granted by the Education Officer, the applicant was disengaged from 01/02/2011. In effect, he therefore work for about 2 months and 10 days.

6. Considering the above, I do not find that the order of this Court dated 02/12/2015 dismissing the writ petition of the applicant could be said to be an erroneous order. The applicant has failed to point out any error apparent on the face of the order.

7. The review application, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)