

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5543 OF 2011

Raosaheb Manikrao Bhosale

...Petitioner.

Versus

The Secretary,
School Education Department,
and others.

...Respondents.

....

Mr. Amol Gatne i/b. Mr.S.B. Deshmukh for the Petitioner.
Mr. A.I. Patel, AGP for the Respondent Nos. 1 to 3.

....

**CORAM : NARESH H. PATIL AND
Z.A. HAQ, JJ.**

13th September, 2017.

P.C.:

1. Heard.

The petitioner claims that he was appointed in the school administered by the respondent No.5-Trust and being in employment, he was appointed on deputation for a period of one year by order dated 19th January, 1996 issued by the respondent No.2- Director of Education and then he was continued on deputation till 2004. According to the petitioner, in 2004, he was repatriated to his original employment. The petitioner approached to the Maharashtra Administrative Tribunal vide Original Application No.313 of 2004 challenging the decision of the Respondent Nos.1 to 3 to discontinue him and repatriate him. The petitioner had prayed before the Tribunal that the respondent No.1 to 4 be directed to continue him in service in the post which was vacant in District Institute of Education and Training in

Maharashtra till his services were regularized. The Tribunal dismissed the Original Application filed by the petitioner by the order passed on 18th March, 2011. After the dismissal of the Original Application, the petitioner has filed this Writ Petition contending that the respondent No.5-Trust is not permitting him to join his duties in the school administered by the respondent No.5-Trust. The petitioner has prayed that the respondent No.5-Trust be directed to reinstate the petitioner.

2. The facts on record, specially the communication issued by the Honorary Secretary of the respondent No.5-Trust to the petitioners on 5th April, 2004 show that the appointment of the petitioner in the school administered by the respondent No.5-Trust was temporary. The petitioner has not placed the copy of his appointment order on the record. The petitioner has not been able to show that his appointment in the school administered by the respondent No.5-Trust was made after following the prescribed procedure. We find that the petitioner has not been able to cull out a legally enforceable right that necessitates invoking of extraordinary jurisdiction by this Court under Article 226 of the Constitution of India.

3. In view of the above, we find no substance in the claim of the petitioner and are not inclined to issue the writ of mandamus as prayed for by the petitioner. The Writ Petition is dismissed. In the circumstances, the parties to bear their own costs.

(Z.A. HAQ, J)

(NARESH H. PATIL, J)