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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 884 OF 2016

Sayeed Abdul Ajij Peerjade

... Petitioner

Versus

Head Master/Principal, New
English High School and Junior College,
Kasba and Ors.

... Respondents

Mr. S.B. Shetye for the petitioner.

Mr. N.V. Bandiwadekar for R. No.1 and 2.

Ms. R.M. Shinde, AGP for R. Nos. 3 to 5.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.**

DATED : JANUARY 05, 2017.

P.C.

Parties through their counsel.

2. Through this petition filed under Article 226 of the Constitution of India, the petitioner is seeking direction against the respondent to declare that the petitioner is qualified and eligible for the post of Assistant Teacher. It is also the claim of the petitioner that he may be considered by the first respondent to be appointed on the post of Assistant Teacher, Secondary School and Junior College (English) in its school and junior college.

3. Learned counsel for respondent nos. 1 and 2 submits that in the petition, petitioner did not disclose that before filing this petition, an advertisement was issued for filling up the post of Assistant Teacher in Junior College for which the petitioner had also applied but was not selected. He submits that presently no post is vacant and as such the petitioner cannot be considered for being appointed on the said post.

4. Learned counsel for the petitioner submits that this petition may be disposed of by directing the respondent nos. 1 and 2 to consider petitioner's claim for appointment if made on the basis of any advertisement issued for the same in future.

5. Learned counsel for respondent nos. 1 and 2 submits that the petitioner if applies for the said post, in pursuance of the advertisement issued on the basis of vacancy of the post in question, his candidature will be considered and if on merits he succeeds, he will be appointed without taking into consideration that he had filed litigation at earlier point of time and that he had filed this petition. He also states on instructions that the agreed consent terms will also not come in the way of the petitioner for being appointed as aforesaid.

6. With the aforesaid observations, petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)