

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

WRIT PETITION NO.10804 OF 2016

**Dr. Rajendra Dagdual Kankariya
Versus**

..Petitioner

**Tale Vibhag Shikshan Prasarak
Mandal and others**

..Respondents

Mr. P. B. Kulkarni a/w Mr. Rahul Gard for the Petitioner.

Mr. C. G. Gavnekar for the Respondent Nos.1 to 3.

Mr. C. P. Yadav, AGP for the Respondent Nos.4 to 6.

Mr. R. A. Rodrigues for the Respondent No.9.

**CORAM : B. R. GAVAI &
SANDEEP K. SHINDE, JJ.
DATE : 3rd OCTOBER, 2017**

PC.

1] It is the contention of the Petitioner that the Respondent management has forced the Petitioner to make certain back dated entries so as to deprive the Petitioner of his right to continue as Principal upto the age of 65 years and to facilitate the appointment of Respondent No.3 as a Principal. This fact has been specifically denied by the Respondents on an affidavit.

2] In any case, a person does not have automatic right to continue upto the age of 65 years. Only after a suitable candidate is not found to be available after the second round of interview, a person who is already continued can be considered upto the age of 65 years.

3] It is the contention of the Petitioner himself that he has signed some documents so as to show the back dated entires.

4] In view of this disputed questions of fact, we find that it cannot be adjudicated without the evidence being led by the parties. We therefore see that no interference would be warranted while exercising extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The Petition is accordingly dismissed by relegating the Petitioner to the ordinary remedy available to him in law.

[SANDEEP K. SHINDE, J]

[B. R. GAVAI, J]