

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC.CIVIL APPLN. NO. 22 OF 2017

IN

WRIT PETITION NO. 1129 OF 2005 (D)

Narayan Urkuda Kawadghare, Chandrapur

-VS-

State of Maharashtra, thr. the Secretary, Tribal Development Deptt.and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mrs.Kirti Kapse (Satpute), counsel for the applicant/petitioner.

CORAM : SMT. VASANTI A NAIK &
KUM. INDIRA JAIN, JJ.

DATE : 20.01.2017.

By this civil application, the applicant-petitioner seeks a review of the order dated 03/10/2016, dismissing the petition filed by the petitioner.

The applicant has sought the review of the order on the ground that the applicant was not in a position to put in his appearance before the court on the date on which the writ petition was dismissed, though he was served with a notice for engagement of another counsel. According to the applicant, since the applicant-petitioner was not represented in the court on the date on which the writ petition was dismissed, the order needs to be recalled and the writ petition needs to be heard.

We are not inclined to grant the prayer made by the applicant, as no fruitful purpose could be served even if the order dated 03/10/2016 is recalled and the matter is reheard. There is nothing placed by the petitioner on record to show that the petitioner was appointed after following the due process of selection. Even today the learned counsel for the petitioner is not in a position to point out that the appointment of the petitioner was made on a regular post after following the due process. If the petitioner was appointed temporarily

and if the services of the petitioner were terminated, we do not find any reason to recall the order dated 03/10/2016, as the petitioner would not be entitled to seek his absorption in services due to the closure of the school. Since only a permanent employee could be absorbed in any other ashram school as per the Ashram School Code, the petitioner, who was appointed temporarily in the ashram school, cannot seek his absorption in any other ashram school.

In view of the aforesaid, we dismiss the miscellaneous civil application with no order as to costs.

JUDGE

JUDGE

KHUNTE