

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3612 OF 2004

Chhaya d/o Manikrao Kulkarni,
Age-35 years, Occu-Service,
R/o AUSA, Dist.Latur

-- PETITIONER

VERSUS

1. Vasantrao Naik Sikshan
Prasarak Mandal, AUSA,
Dist. Latur,
2. The Head Mistress,
Saraswati Kanya Prashala
AUSA, Dist. Latur,
3. The Education Officer
(Secondary), Zilla Parishad,
Latur, Tq. and Dist. Latur

-- RESPONDENTS

Mr.K.J.Ghute Patil, Advocate for the petitioner.
Mr.S.P.Sonpawale, AGP for respondent No.3/State.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 09/05/2018

ORAL JUDGMENT :

1. The petitioner is aggrieved by the judgment of the School Tribunal dated 04/02/2003 by which her appeal No.214/1999 challenging her unlawful removal from service on 17/09/1998, has been rejected.

2. Though respondent Nos.1 and 2 have been served, no

appearance has been entered either in person or through an Advocate.

3. I have considered the strenuous submissions of the learned Advocate for the petitioner and the learned AGP. My attention has been drawn to the 7 grounds for challenge formulated by the petitioner and the record available.

4. There is no dispute that the petitioner was inducted in service as an "Assistant Teacher" temporarily for one year from 26/06/1995 till the end of the academic year. Her appointment was against the ST category as a candidate for the said reserved post was not available. For the academic year 1996-1997, she was again appointed against the ST category for one year. Thereafter she was not continued. It is the strenuous contention of the petitioner that initially she was appointed for one academic year temporarily by the respondent/Management for the academic year 1994 for an academic year.

5. The School Tribunal though has rightly observed that the petitioner was duly qualified to be appointed as an "Assistant Teacher", she could not be said to be entitled for deemed

regularization as she was appointed purely on a post which was reserved for the ST category. Appointment on temporary basis against a reserved category post would not entitle the petitioner to deemed confirmation until such a post is advertised for 5 consecutive years, no candidate is available for the particular reserved category and it is only in the 7th year that the post could be de-reserved and the ad-hoc appointee could be absorbed.

6. In the above fact situation, I do not find that the impugned judgment could be termed as being perverse and erroneous. This petition is, therefore dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)