

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

WRIT PETITION NO. 6897 OF 2013

Shri Sachin Shivaji Sapate
Vs

... Petitioner

1 Lokmanya Lokop Karak Mandal
Panchnadi, Taluka Dapoli & Ors.

... Respondents

Mr. N.V. Bandiwadekar for the Petitioner.

Mrs. R.M. Shinde, AGP, for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

MONDAY, 03RD DECEMBER, 2018

P.C. :

1 We have heard Mr. Bandiwadekar at great length.

2 The approval to the petitioner's appointment has been refused on 27th May, 2013, and that is questioned in this writ petition.

3 The only contention raised by Mr. Bandiwadekar is that having found there was no backlog of reservation or there was no neglect in filling up the reserved seats, then, the first

ground to reject the approval is not germane and relevant at all.

4 The second ground, according to Mr. Bandiwadekar is that the petitioner does not qualify for being appointed as Assistant Teacher for Marathi subject as he has not passed the degree examination in Marathi subject. Thus, he is not a Bachelor of Arts in Marathi. However, Mr. Bandiwadekar says that he is B.A. B.P.Ed. in Marathi and that satisfies the requirement of the advertisement and the term of appointment.

5 The petitioner has stated that the advertisement says that the post of Shikshan Sevak (Open) is vacant and the requirement is B.A. B.P.Ed. (Marathi). However, the impugned order proceeds on the footing that this is an incomplete and incorrect reading of the advertisement. The Education Officer (Secondary) Ratnagiri has found that the school required a teacher to take nineteen lectures / periods in Marathi, i.e. in Marathi subject. Therefore, a graduate in this language alone should have been appointed or rather considered for appointment. The petitioner has no such qualification. He has graduated with English as his subject. By no stretch of

imagination, such a person can be said to be qualified to teach Marathi and when the requirement is to teach such subject in nineteen periods. For all these reasons, the Education Officer found that the appointment of the petitioner cannot be approved.

6 This is not a non germane and wholly irrelevant consideration. Even if the order is passed on two grounds one of which may not be germane and relevant or is found to be totally inapplicable, still, such an order can be sustained on other germane and relevant grounds. It is that principle which has been invoked by the State in its affidavit in reply.

7 We think that it has been rightly invoked and in the given facts and circumstances. The Management could not have been permitted to appoint such a teacher who qualifies not in Marathi, but in English and to teach Marathi subject substantively. For these reasons, the approval is rightly refused. The writ petition has no merit and is dismissed, but without any order as to costs.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.