

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

WRIT PETITION NO. 2794 OF 2013

Sow. Jayshree Avinash Ubhe ... Petitioner

Vs

1 State of Maharashtra & Ors. ... Respondents

Ms. Kumud A. Bhatia for the Petitioner.

Mr. S.B. Kalel, AGP, for the Respondent Nos.1 to 4-State.

Mr. Rui Rodrigues for the Respondent No.5.

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

TUESDAY, 24TH JULY 2018

P.C. :

1 Heard both sides. Perused the record.

2 After hearing both sides and noticing the specific stand of the State Government and the Directorate of Vocational Education and Training, it is evident that the petitioner could not have been appointed by relying on a purported relaxation and which has been given in the essential educational qualifications.

The Deputy Director of Vocational Education and Training, by a letter, simplicitor granted the approval and while granting that approval to an appointment made on temporary basis of the petitioner for the academic year 2000-2001, relaxed the condition of experience. Thus, the essential qualification, coupled with the experience criteria, could not have been relaxed by this Deputy Director and contrary to the recruitment rules is the stand of the State Government.

3 Once the Deputy Director's action has not been ratified, much less, endorsed by the State Government, then, we are left with no alternative, but to dismiss this petition. The petitioner did not acquire at the relevant time, any right nor was it vesting in her by which she could lay a claim to the post. The petitioner could not have been considered for public employment at all. Now, if she claims that she has improved her educational qualifications and gained experience does not mean that we can put her back in the service by setting aside the termination order. The termination order is, therefore, perfectly legal and valid. It deserves no interference in our writ jurisdiction. The petition is devoid of merit and is dismissed.

4 In the event the post is sanctioned and there is a permanent vacancy therein, nothing prevents the Management from filling it up and while filling it up, if the petitioner is otherwise eligible, consider her claim for employment in the event a fresh process is initiated. It is only this much that we can clarify. We do so on the basis of the statements made in the affidavit-in-rejoinder by the petitioner.

5 The petition is thus dismissed subject to the above.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.

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Rehmat
Pasha

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signed by
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