

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

WRIT PETITION NO. 1009 OF 2013

Shri Gherade Sanjaykumar Maruti ... Petitioner

Vs

1 State of Maharashtra & Ors. ... Respondents

Mr. V.K. Bodhare for the Petitioner.

Mr. S.S. Pachpor, AGP, for the Respondent Nos.1 to 3-State.

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

MONDAY, 19TH NOVEMBER, 2018

P.C. :

1 We have heard the learned advocates appearing for the petitioner and the Management. With their assistance, we have perused the order under challenge. We do not think that this Court can sit in judgment over the conclusions of the second respondent insofar as the educational qualifications of the petitioner and the entitlement as claimed.

2 The petitioner may rely upon a Government Resolution, copy of which is at pages 24 and 25 of the paper-book,

but that does not enable him to urge that though appointed as a part-time teacher for teaching Geography subject, but possessing a Bachelor's degree in Physical Education and teaching and imparting training in that subject together with Geography, would mean that the petitioner was a full time teacher from the year 2001 till end of November, 2006. That is the period for which the petitioner has been treated as a part-time teacher. After the requisite workload was available, the petitioner's services have been reckoned and termed as full-time. That is how the benefit ought to be extended in terms of the impugned order.

3 The petitioner's services are not only protected, but the case of the petitioner that there was full workload for both Geography and Physical Education subjects or faculty at the relevant time, have been duly noted and considered. No merit was found in this contention of the petitioner as the records maintained in terms of the relevant statutes reflected otherwise. The petitioner cannot claim as of right that his services must be regularised as a full-time teacher from 2001. The back-dated regularisation is a benefit sought in this petition and filed in this Court belatedly on 12th September, 2012. The period for which

the benefit is sought is from 2001 to 2006. Even if the petition could have been maintained, we do not see how the factual findings in the impugned order can be overturned for they are not perverse nor vitiated by any error of law apparent on the face of the record.

4 The petition has no merit and is dismissed.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.