

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 315 OF 2014***

Mansi Sunil Salunke

Petitioner

Versus

The State of Maharashtra & Ors.

Respondents

Mr.A.A.Maniyar, i/b. Mr. M.G.Ansari, for the Petitioner.

Mr.Milind More, Addl. Govt. Pleader,for the State.

Mr. Sudhir Prabhu for respondent Nos. 4 & 5.

CORAM : RANJIT MORE &

SMT. SADHANA S.JADHAV,JJ.

DATE :5th April, 2018.

P.C. :

Heard. The petition is filed under Article 226 of the Constitution of India seeking directions to Respondent Nos. 4 and 5 i.e. Management and High School to send a fresh proposal to Respondent No.3 – Education Inspector, North Zone, Mumbai for the petitioner's promotion from the post of Trained Under-Graduate Teacher to the post of Trained Graduate Teacher with effect from 14.06.2009 and pay her salary accordingly.

2. One Mrs. Ashalata S. Patil, Deputy Education Inspector,

North Zone has filed an affidavit-in-reply dated 25.2.2015. Para 9 thereof reads as under :-

"9. It is pertinent to note that the Respondent-School is having 7 divisions of 9th and 10th standard in secondary section and is having workload of 42 periods per week for the subject in which the petitioner is qualified. From the workload 3.20 hours workload is allotted to Jr. College teacher, so there is only 38.40 clock hours workload available in the respondent school. Moreover there are 4 more confirmed teachers already working in the said school with same subject, therefore there is no workload available as per her qualification."

A perusal of the above averments makes is abundantly clear that there is no work load. In the absence of any workload, the petitioner cannot be placed in the said pay scale. These averments are supported by the learned counsel appearing for respondent Nos. 4 and 5. The petitioner could not convince us otherwise.

3. In the light of above, the petition has no merits and is, accordingly, dismissed.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]