

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3338 OF 2019

AMOL AVINASH BHOKARE
VERSUS
THE PRESIDENT, BELAPUR EDUCATION SOCIETY AND OTHERS

...
Advocate for the Petitioner : Shri Salgare Vitthal G.
AGP for Respondent 3 : Shri S.R.Yadav
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th June, 2019

Per Court:

1 The petitioner is aggrieved by the judgment and order dated 10.02.2012 delivered by the School Tribunal, Solapur vide which, his Appeal No.24/2009 has been dismissed.

2 The contention of the petitioner is that he was appointed as an Assistant Teacher vide appointment order dated 07.02.2007. He was terminated from service on 03.03.2009. Earlier he had worked on leave vacancy from 13.06.2006 to 17.07.2006 and from 18.07.2006 till 18.08.2006. It is stated that the petitioner possesses the qualifications of B.A., B.Com., M.A. (Marathi), M.A. (Political Science), B.Ed. (Physical), B.Ed. (General), MS-CIT and LLB. With all these qualifications, he was entitled to be appointed as a regular teacher. Though the appointment

order mentions that his appointment is temporary, one of the clause in the appointment order mentions that his appointment is on probation for two years.

3 Having considered the submissions of the learned advocate for the petitioner and having perused the petition paper book with his assistance, I called upon him to state as to whether, the Management had issued any advertisement for filling in a permanent vacancy. The learned advocate has taken instructions from the petitioner, present in the Court, and has stated that no advertisement was issued.

4 I find from the appointment order that the Chairman of the Educational Institution has issued the same. It does not appear that there was any selection committee formed for conducting interviews and for selecting candidates. The joining report of the petitioner is dated 09.01.2007 indicating that he has received the appointment order from the Chairman of the Institution.

5 The learned advocate for the petitioner submits, on instructions, that his proposal for approval was submitted to the Education Department, however, the same has not been approved.

6 I find that there was no selection process followed by the Management and it also appears that the permission of the Education Department to fill in the vacancy was also not taken. The appointment order was issued individually by the Chairman of the Institution, who had

no authority. It, therefore, appears that the Educational Institution has resorted to an irregular method of recruiting the petitioner, which cannot be accepted in law.

7 Considering the above, I do not find that the School Tribunal has committed any error in concluding that the termination of the petitioner cannot be interfered with.

8 So also, the impugned judgment is dated 10.02.2012 and challenged by the petitioner in 2019, after 07 years.

9 In view of the above, this Writ Petition, being devoid of merit, is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)