

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

WRIT PETITION NO. 3632 OF 1999

Smt. Rohini w/o Gopalrao Wangikar,
age : 39 years, Occup : Service,
Lecturer in Hindi,
Kholeshwar Mahavidyalaya,
Ambejogai, Tq. : Ambejogai,
Dist. : Beed

...PETITIONER

VERSUS

1. Bhartiya Shikshan Sanstha,
Ambejogai, Dist. : Beed,
through its Secretary.
2. The Principal,
Kholeshwar Mahavidyalaya,
Ambejogai, Tq. : Ambejogai,
Dist.: Beed.
3. Dr. Babasaheb Ambedkar
Marathwada University,
Aurangbad, through its
Registrar.

4. The State of Maharashtra

...RESPONDENTS

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Advocate for the Petitioner : Shri K. V. Patil h/f.
Shri S. R. Barlinge
AGP for Respondent No. 4 : Shri S. R. Yadav- Lonikar
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th JUNE, 2019.

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ORAL JUDGMENT :

1. I have heard the learned Advocate for the petitioner for quite some time. None has appeared on behalf of respondent Nos. 1 and 2 Educational Society and College and on behalf of respondent No. 3 Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. The learned AGP has addressed the Court on behalf of Respondent No. 4.

2. This petition can be disposed off as it is rendered of an academic interest. There is no dispute that a post was advertised in the Hindi subject for a position of a lecturer with a reservation for the ST category, in 1992. After the advertisement was published and upon conducting a selection process, the College Management did not find a suitable candidate belonging to the ST category. The appellant who belongs to the open category, was appointed temporarily against the post reserved for the ST category for the academic year 1992-1993.

3. A similar advertisement was published in 1993 and after following a similar selection process, since no candidate

belonging to the ST category was available, the petitioner was again continued for the academic year 1993-1994.

4. After the end of the academic year, on each occasion, her service was brought to an end.

5. For the third time, an advertisement was published on 14/07/1994. One candidate belonging to the ST category was found suitable through the selection process and he was appointed as a lecturer in Hindi. He worked for a few months and resigned in December 1994. The Management, therefore, again appointed the petitioner temporarily from 09/12/1994 and her service was brought to an end after the end of the academic year in 1995.

6. The Management then published an advertisement on 01/06/1995 and by considering the 200-Point Roster, the post was moved to the Scheduled Caste category and the said reservation was made applicable.

7. The College Tribunal has sustained the order of

termination of the appellant after she was relieved at the end of academic year 1994-1995. However, vide the impugned judgment dated 11/11/1997, though Appeal No. BAMU-7 of 95 filed by the appellant was dismissed, the College Tribunal directed the Management of the College to continue the services of the present petitioner till a suitable candidate from the reserved category as per the 200-Point roster was appointed.

8. The learned Advocate for the petitioners submits on instructions from the petitioner present in the Court that firstly, she would be retiring in about two months time and secondly, she was continued by the Management pursuant to the impugned order of the Tribunal dated 11/11/1997 and she has worked continuously as a lecturer in Hindi for the last about 25 years. She would, therefore, be qualified for retiral benefits.

9. In view of the above, as the petitioner cannot lay a claim for the period of work during the academic years 1992-1993 till 1994-1995, this petition is disposed off.

10. Rule is discharged.

11. It is made clear that the disposal of this petition would not create any impediment for the entitlement of the petitioner for retiral and pensionary benefits as may be permissible in law.

(RAVINDRA V. GHUGE, J.)

shp/-