

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

905 WRIT PETITION NO.1165 OF 2018

RAVAN SHRIMANT SUSLADE

..PETITIONER

VERSUS

SAVITRIBAI SHIKSHAN SANSTHA UJANI THROUGH ITS
PRESIDENT AND OTHERS

..RESPONDENTS

...

Mr. V. D. Gunale, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

Mr. Balaji S. Shinde, Advocate for Respondent No.1.

Dr. Supriya L. Pansambal, Advocate for Respondent
No.2.

Mr. V. C. Patil h/f Mr. U. B. Bondar, Advocate for
Respondent No.3.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATED : 10th APRIL, 2019.

PER COURT:-

1. Mr. Gunale, learned counsel for the petitioner submits that the petitioner had worked from 1993 upto 2003 and under the interim order of the School Tribunal and this Court upto the year 2007. The petitioner was erroneously terminated by the Institution only on the ground that the petitioner had not passed postal D.Ed. in three attempts. The learned counsel submits that the same was also erroneous. Though the termination of the petitioner has been confirmed upto this Court, still the respondent was bound to consider the

proposal of the petitioner for accommodating the petitioner in some other post in view of the order dated 27.01.2017 in Writ Petition No.8426/2016. The same has not been considered in its correct perspective by the Education Officer. Only on the ground that no grant in aid post is admissible with the respondent-Institution, the Education Officer (Primary) has negatived the claim of the petitioner. The long standing service of the petitioner ought to have been considered.

2. We have also heard learned counsel for the respondents.

3. In fact the petitioner has no legs to stand. The present petition ought not to have been filed. Even if it is accepted that the petitioner was appointed in the year 1993, his service came to be terminated in the year 2005. The order of termination was challenged before the School Tribunal. The School Tribunal dismissed the Appeal. Aggrieved thereby the petitioner filed writ petition before this Court. The learned Single Judge of this Court dismissed the writ petition. The petitioner assailed the said order of the learned Single Judge by filing Letter Patent Appeal before the Division Bench of this Court bearing Letter Patent Appeal No.159/2009. The Letter Patent Appeal also came to be dismissed. The order of termination of the petitioner has been

confirmed by the Division Bench of this Court.

4. It appears that the petitioner filed writ petition no.8426/2016 seeking directions to accommodate the petitioner on the post of Assistant Teachers in the respondent no.2-School on the next vacancy. The Court directed the Education Officer to decide the proposal of the management on merits and according to law. The Education Officer has rejected the proposal.

5. The case of the petitioner does not stand to any reason. Having been terminated from the service and the termination being upheld upto the Division Bench of this Court, naturally without a fresh selection process no appointment could have been made of the petitioner. The Education Officer has not committed any error.

6. The writ petition as such is dismissed. No costs.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE