

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

WRIT PETITION NO. 5180 OF 2001

**VIJAYKUMAR GUNVANT BIRADAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Shri R. R. Suryawanshi
AGP for Respondent No.1 : Shri N. T. Bhagat
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 07th MAY, 2019.

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PER COURT :

1. None present for respondent Nos. 2, 3, 4 and 5.
2. I have heard the learned Advocate for the petitioner and the learned AGP on behalf of the State.
3. The petitioner had approached the School Tribunal by preferring an Appeal No. 85/1995 alleging that he was terminated from employment on 19/06/1995. He was allowed to sign the muster roll till 31/03/1995. After the annual vacation, he approached the school on 19/06/1995. He was informed that he was already terminated on

31/03/1995. His signature was forcibly obtained on the letter pad of the school to indicate that he was relieved from employment on 31/03/1995.

4. It is further submitted by the petitioner - original appellant that he had worked for two academic years as an Assistant Teacher. He had acquired the qualification of B.Com B.P.Ed. Considering the law laid down by the learned Division Bench of this Court in the judgment dated 19/10/2016 in the matter of *Devidas Govindrao Chavan Vs. The State of Maharashtra and others and Gangutai Narayan Mahajan Vs. The State of Maharashtra, Writ Petition Nos. 6017/2015 and 7884/2015*, he can be held to be eligible to be a primary trained teacher.

5. Having considered the submissions of the learned Advocate and the learned AGP, I have gone through the record available. The petitioner was inducted by an appointment order dated 15/07/1993 which is placed on record. In one clause, it indicates that he was appointed purely on a temporary basis and the clause with regard to appointment of

probation for a period of two years, has not been scored out. After the end of the academic year 1993-1994, he was again appointed in the academic year 1994-1995. He was relieved from employment on 31/03/1995 and he contends that by a paper arrangement, his signature was forcibly taken.

6. The record reveals that the Management published an advertisement in Dainik "Lokpatra" on 06/06/1995. Applications were invited and the duly constituted selection committee, selected trained candidates as Assistant Teachers from the academic year 1995.

7. The School Tribunal considered the above recorded facts and relied upon the judgment delivered in the matter of ***Anna Manikrao Pethe Vs. Presiding Officer, School Tribunal, Amrawati, 1997 (3) Mh.L.J. 697*** and concluded that unless the petitioner is selected by a validly constituted Selection Committee and by following the due procedure for selection, no relief can be granted to this petitioner.

8. Considering the above, I do not find that the impugned

judgment of the School Tribunal could be branded as being perverse or erroneous. This petition being devoid of merit is, therefore, dismissed. Rule is discharged.

9. The learned Advocate for the petitioner submits that after this petition was admitted, he was accommodated in employment by the same Management, elsewhere. Needless to state, the dismissal of this petition would not come in way of his continuation in his subsequent employment and in the event he is continued during the pendency of this petition, he would be entitled to claim benefits as may be permissible in law.

(RAVINDRA V. GHUGE, J.)

shp/-