

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7617 OF 2019

RADHAKISAN SUNDARRAO KHADEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Bade Patil K. D.
AGP for Respondent No. 1 : Mr. S. P. Deshmukh

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 25th JUNE, 2019

PER COURT:

1. We have heard Mr. Bade Patil, learned counsel for the petitioners. The learned counsel for the petitioners submits that the petitioners were not issued the appointment orders only on the ground that petitioners did not possess the D.Ed. Qualification and they passed the diploma in teaching after the year 1993. According to the learned counsel, some of the similarly situated persons were given appointment orders and are subsequently terminated. They had approached the

school tribunal and against the said judgment approached this Court and this Court allowed their writ petitions bearing Writ Petition No. 1728 of 2007 with connected writ petition under order dated 22.12.2017. The said order is already confirmed by the Apex Court. According to the learned counsel, the petitioners should also be given the same treatment as they are similarly situated.

2. The learned A.G.P. accepts notice for respondent no. 1 and submit that the petitioners have approached the Court after 22 years.

3. It appears that the petitioners had participated in the selection process of the year 1997. The petitioners were not issued with any appointment orders. As no appointment orders were issued to the petitioners, certainly the rights was not created in the petitioners. The petitioners are approaching the Court after 22 years. As no appointment orders were issued to

the petitioners, at this stage, certainly the grievance of the petitioners cannot be entertained. Moreover, the petitioners have also crossed the maximum age of employment, on that count also no appointment orders can be issued at this stage.

4. In the light of above, writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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