

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13228 OF 2018
(Shaikh Mohsin s/o Shaikh Rashid Vs. The Presiding Officer and
others)

Mr.C.D.Biradar, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for the respondent No.5/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/01/2019

PER COURT :

1. The petitioner is aggrieved by the judgment dated 06/04/2018 delivered by the College and University Tribunal, by which his appeal No.BAMU-07/2011 challenging his oral termination dated 25/01/2009, has been dismissed.

2. The learned Advocate for the petitioner/original appellant submits that he was initially appointed in 2003 by respondent No.2/ Management as a Lecturer in Hindi on contract basis for a period of 3 months. This was followed by an appointment for 9 months on contract basis through the local selection committee. He was then appointed as a Lecturer of Hindi on contract basis for the academic year 2005-2006 on consolidated salary of Rs.8,000/-. He was continued for the academic year 2006-2007. He claims to have

continued in employment and was orally terminated on 25/01/2009. He alleges that the institution has extracted Rs.2,80,000/- for considering his appointment on permanent basis, though he was not so appointed. His proposal for exemption from the NET qualification was also not accepted.

3. I have considered the grounds for challenge and have gone through the petition paper book in the light of the submissions of the petitioner.

4. The Management has taken a stand before the Tribunal that the petitioner was appointed on contract basis for few months in each year in between 2003 to 2006. Subsequently he was appointed on clock hour basis for an academic year. After August 2007, he was never in employment and a fictitious date of oral termination on 25/01/2009 has been put forth.

5. It is apparent that the petitioner was not qualified to be appointed as a Lecturer in view of he having not cleared the National Eligibility Test which mandates a prerequisite qualification for being appointed as a Lecturer. His initial appointment was for few months on contract basis and subsequently he was appointed on clock hour

basis through the local selection committee.

6. In view of the above, I do not find that the impugned judgment could be branded as being perverse or erroneous. This petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)