

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

WRIT PETITION NO.5607 OF 2019

Shilpa w/o Jintendra Goje (Mudholkar)

..Petitioner

Versus

Samaj Prabodhan Sanstha,
Aurangabad through
Secretary and ors.

..Respondents

Dr. R.J. Godbole, Advocate for petitioner

Mrs M.A. Deshpande, A.G.P. for respondents no.3 and 4

CORAM : ANIL S. KILOR, J.

DATE : 10.12.2019

ORAL ORDER :

1. The petitioner, by way of present petition is praying for order to expunge observations of the learned School Tribunal passed in Appeal No.27 of 2011, treating service of petitioner as Assistant Teacher w.e.f. 01.09.2005 and observation of the School Tribunal that the petitioner was given work of Clerk w.e.f. 10.06.2004 till September 2005. The petitioner further prays for declaration that petitioner was appointed as Assistant Teacher w.e.f. 10.6.2004 and worked continuously till the date of otherwise termination.

2. Heard Dr. Godbole, learned Counsel for petitioner. Looking to the prayer made in the present petition, a specific query was put to the learned Counsel for the petitioner to pinpoint the observations, which the petitioner is seeking to expunge. The learned Counsel for the petitioner has drawn my attention to paragraphs 15, 16 and 17 of the order passed by the School Tribunal. After going through the said paragraphs, it is revealed that the observations are in favour of the petitioner to the following effect :

“15. ... I hold that this copy of resolution is not helpful for the respondent to establish that they appointed the appellant on the post of Clerk; on the other hand it establishes that the appellant has faced the selection process for the post of Assistant Teacher and not for Clerk.

16. ... I hold that the selection of the appellant was made by the respondent nos. 1 and 2 after following the due procedure of law on the post of Assistant Teacher.

3. In view of the said positive findings by the School Tribunal vide judgment dated 28.2.2017, I do not find any merit in the present matter. Moreover, the petitioner is only challenging some observations made by the School Tribunal in the present petition. In the light of the said fact since already the observations made by the School Tribunal are very clear and it says that from the date of appointment, i.e. from 2004, the petitioner was appointed as Assistant Teacher, I do find any merit in the present petition.

4. Accordingly, Writ Petition is disposed of. No order as to costs.

(ANIL S. KILOR, J.)

vvr