

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

**CIVIL APPLICATION NO.11732 OF 2018 IN
REVIEW APPLICATION STAMP NO. 40191 OF 2017 IN
WRIT PETITION NO. 9282 OF 2014**

**SULOCHANA BHANUDAS UGALE
VERSUS
THE SECRETARY JUNNAR TALUKA SHIKSHAN MANDAL
AANE PUNE AND OTHERS**

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Advocate for the Applicant : Smt. M. G. Kasturkar - Kulkarni
Advocate for Respondent Nos. 1 and 2 : Shri A. R. Borulkar
Advocate for Respondent No. 3 : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 6th FEBRUARY, 2019.

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PER COURT :

1. I have heard the learned Advocates for the respective sides. The delay does not seem to be deliberate or inordinate and hence, this Civil Application is allowed. Review application stands registered.

2. I have considered the submissions of the learned Advocates for the review applicant, respondent - Management and the learned AGP.

3. The learned Advocate for the review petitioner submits that the only reason for which the review has been filed is that this Court has concluded that the petitioner had worked for 2 (two) years and 11 (eleven) months on temporary basis and hence, there cannot be an order of reinstatement with continuity and back wages. Though this Court has granted Rs. 1,00,000/ as costs and 6 (six) months salary under Section 11(2)(e) of the MEPS Act, the petitioner prays for reinstatement with continuity and full back wages.

4. The ground for filing this review application is said to be a diary which pertains to arrangement of periods. It is submitted that the petitioner had worked till 11/12/2006 and the Headmaster of the school has endorsed the lectures conducted by the petitioner.

5. I find that the diary relied upon by petitioner shows that she has hardly conducted lectures in October to December 2006. The record before this Court, when the Writ Petition was heard, indicated that she had worked temporarily from 08/09/2003 to 18/08/2006. The said diary does not indicate

that after 18/08/2006, the petitioner has worked continuously. Her name appears once on 19/09/2006.

5. This petitioner had approached the Honourable Apex Court, which has passed an order on 13/11/2017 concluding that the petitioner is permitted to raise a ground that she was terminated after completion of 3 (three) years only to avoid a claim for regularization.

6. I have considered the submissions of the petitioner and I have gone through the entire writ petition paper book once again in view of the observations of the Honourable Supreme Court. I find that there is no record that was placed before the School Tribunal or this Court to indicate that the Management had published any advertisement for recruiting teachers, there was no call letter by the selection committee to the petitioner, except that a post card dated 07/06/2003 is shown to be a communication to the petitioner that she should approach the office of the School at 10.00 a.m. on 14/06/2003 in view of her application dated 09/06/2003. In the absence of any selection process and in the absence of a selection by a legally

constituted selection committee and keeping in view that the petitioner was working intermittently for conducting few periods, I do not find that any case for reinstatement with continuity or permanency has been made out.

7. The review application, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-