

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.815 OF 2017

Bapu Gorak Bansode and another	...	Petitioners
Vs.		
The State of Maharashtra and another	...	Respondents

Mr. Vinayak Kumbhar i/b. Mr. N. V. Bandiwadekar for Petitioners.
Mr. S. L. Babar, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 15, 2019

P.C. :

On 26.03.2018, this Court had passed the following order:

“1. After this matter was argued for some time, it is revealed that the petitioner no.1 has relied upon an affidavit filed by respondent no.2 – Deputy Director of Education, Kolhapur who has relied upon Government Resolution dated 2nd May, 2012 by which the State has imposed ban on fresh recruitment of the teachers.

2. The case of the petitioner no.1 is that by virtue of earlier resolutions dated 31st January, 2001 and 10th June, 2005 Exhibit-H (colly.) to this petition, the petitioner no.1 having completed six years as a part time teacher, he would be entitled to the post as full time teacher but for the fact that an advertisement had been issued on 7th May, 2014 by the petitioner no.2 management inviting applications for several teachers including full time teacher in the open category for Geography.

3. The petitioner no.1 qualified in this respect. Furthermore, the appointment was in the open category and only one post was available. in respect of which the petitioner no.1 was issued a letter of appointment dated 1st June, 2014 pursuant to resolution dated 30th May, 2014. In the course of submission it was stated that 23 candidates had applied pursuant to which the applications were received and they were called for interview. The interviews were held on 29th May, 2014. The Selection Committee of three members conducted interview and during that process the petitioner no.1 secured the highest marks and was therefore appointed on the said post. The State's contention is that by virtue of

advertisement and selection of the petitioner no.1 his services would be rendered a fresh appointment.

4. In view of factual statements made in the petition and in reply, no purpose will be served by admitting the petition but the petitioner no.1 can be permitted to make a representation to respondent no.2 on the basis of two Government Resolutions dated 31st January, 2001 and 10th June, 2005. Let such representation, if any, be made within a period of two weeks from today. If such representation is made, the respondent no.2 shall decide the said representation within a period of eight weeks from date of receipt of the representation.

5. The record indicates that by an order dated 17th February, 2017 this Court while issuing notice, granted ad-interim relief in terms of prayer clause (d) which reads thus :

“(d) Pending the hearing and final disposal of the petition, the respondent no.2 may be restrained from sending any surplus Teacher to be absorbed in the post of Petitioner No.1 in the Junior College by name Jawaharlal Nehru Vidyalaya and Junior College, Zare, Tal.Atpaid, Dist. Sangli, conducted by Petitioner No.2 Management.”

6. In the facts and circumstances of the case and since ad-interim protection has been continuing, it would be appropriate that an ad-interim order shall continue and operate for a period of 12 weeks from today.

7. The parties to act on a copy of this order duly authenticated by the registry of this Court.”

2. From the above, it is evident that by the said order, the writ petition itself was disposed of. In that view of the matter, no useful purpose will be served by keeping the matter pending any further.

3. Consequently, Writ Petition is formally disposed of.

(UJJAL BHUYAN, J.)