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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 152 OF 2009
IN
WRIT PETITION NO. 4140 OF 2007

Shri Jalindhar Bhause Ranaware .. Appellant

Vs.

District Social Welfare Officer & Ors. .. Respondents

None for the Appellant.

Mr. K. S. Thorat, AGP for Respondent No1.

Mr. Kale Dnyaneshwar i/by S. S. Pakale for Respondent No.2.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 27, 2019.

P.C.

1. None appears for the Appellant.
2. Writ Petition filed by the Appellant has been dismissed by the learned Single Judge vide impugned order dated 22nd November, 2007. In the Writ Petition, the Appellant had challenged the Judgment dated 31st January, 2007 passed by the

School Tribunal. The Appeal filed by the Appellant before the School Tribunal was obviously dismissed.

3. The Appellant alleged that his service was illegally terminated on 26th November, 2001.

4. The decision of the School Tribunal shows that with reference to the record it emerged that the Appellant had been appointed as a Teacher on temporary basis against a post reserved for Scheduled Caste candidate on account of non-availability of qualified candidates in the said category. Record evinced that the Appellant was appointed from 1st December, 1997 to 30th April, 1998. Thereafter, from 12th June, 1998 to 30th April, 1999 and finally from 17th June, 1999 to 30th April, 2000. Being employment in a school, it was apparent that during Summer Vacation the employment was discontinued.

5. Record also showed that the District Social Welfare Officer granted approval for the three appointments. The School Tribunal as also the learned Single Judge noted that the appointment could not be on permanent basis for the reason that the post was reserved for Scheduled Caste candidate. Appellant's contention that his appointment was against an unreserved post

vacated by one Shri Kishor Jadhav was negated on account of the fact that having educational qualification B.Sc. B.Ed. the appointment of the Appellant could not be as a non Science Teacher when Shri Kishor Jadhav left employment who had the qualification B.A. B.Ed.

6. To put it simply, the post which became vacant on account of Shri Kishor Jadhav leaving the school was a post in the non Science stream. The Appellant was appointed in the Science stream against a post reserved for a Scheduled Caste candidate.

7. Be that as it may, since none appears for the Appellant we dismiss the Appeal in default, but have noted aforesaid facts should the Appellant move an application for restoration of the Appeal. At that stage whichever Bench is seized of the application would have the benefit of the facts and the rival versions, with the reasoning of the learned Single Judge to affirm the view taken by the Tribunal.

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SMT. BHARATI DANGRE, J.

CHIEF JUSTICE