

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 11935 OF 2012

Shri Bansode Digamber Shivsharan .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Ajinkya M. Udane for the Petitioner.
Mr. M. M. Pabale, AGP for Respondent No.1.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.
DATE : 22nd JULY, 2019.

P. C. :

1. Unfortunately Respondents have chosen not to file a counter-affidavit till date, Respondent Nos.3 and 4 have chosen not to enter appearance in spite of being served with a notice in the Writ Petition. Thus, we are constrained to dispose of the Writ Petition which was filed in the year 2012 on the pleadings of the Petitioner.
2. The 3rd Respondent has established the 4th Respondent-School and being an aided recognized institution issued an advertisement in the year 2007 inviting applications from the eligible candidates to fill up a full time vacant post of Assistant Teacher in the N. T. category. The Petitioner applied having educational qualification B.Sc., B.Ed. and belonging to N. T. category. He was duly selected and was issued letter of appointment on 02.07.2007. After completing three years service on 02.07.2010, approval was granted by the Education Officer on

10.01.2011 to confirm the Petitioner.

3. The grievance of the Petitioner is that alleging a decrease in the number of students, the school issued a certificate to him on 25.11.2011 to the effect that his appointment from the very inception was as a part time teacher. The Petitioner represented against the said certificate and before the representation would be decided, the school issued an advertisement on 17.07.2012 inviting applications to fill up a full time vacant post of Assistant Teacher.

4. With respect to the advertisement the case pleaded by the Petitioner is that it shows the existence of full time post of Assistant Teacher. Besides, the Petitioner relies upon the advertisement which was issued in the year 2007 and his appointment order, both of which show that against a full time vacant post of Assistant Teacher, the Petitioner was appointed.

5. Accordingly, we dispose of the Petition directing the 4th Respondent to treat the Petitioner as a full time Assistant Teacher and pay him salary as per scale applicable to a full time Assistant Teacher from the date the Petitioner joined as Assistant Teacher under the 4th Respondent.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]