

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 2578 OF 2016

Alka Girdharlal Chavda and Anr.

... Petitioners.

V/s.

Sheth Dhanji Devshi Rashtriya Shala and Ors. ... Respondents.

Mr. A.L. Gore for the Petitioners.

Mr. Kedar Dighe, AGP for Respondents 3 & 4.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 13 JUNE 2019.

P.C. :-

The Petitioners who were working as teachers have filed this Petition for grant of Selection Grade. The Petitioners were not given the Selection Grade as they had not completed the requisite Selection Grade Training.

2. The Petitioner No.1 was working in the Respondent No.1 - Sheth Dhanji Devshi Rashtirya Shala. The Petitioner No.2 was working in the Respondent No.2 - Anjuman Islam Kurla Boys School. The Petitioner No.1 retired on 31 August 2012 and the Petitioner No.2 retired on 31 July 2013.

3. According to the Petitioners, though they were sent for Selection Grade Training Program by their respective schools, they were prevented from attending the training by the officers of the Education Department. The Petitioners state that inspite of their repeated requests the officers did not allow them to join and complete the training. The Petitioners contend that this incident had a cascading effect on their career and retiral benefits.

4. The Education Officer in his reply asserts that the Respondent – Schools never sent the Petitioners for the training program and there is no question of anybody preventing the Petitioners from attending the training. In respect of Petitioner No.1, the Education Officer has annexed copies of the letters

received from the Respondent No.1 – School. The Education Officer asserts that the Petitioner No.2's name was also never proposed by the Respondent No.2 – School.

5. In spite of service of Court notice the Respondent - Schools have not appeared. The Petitioners have now retired from service and there could be various reasons why the Respondent - schools have chosen not to appear.

6. It is not possible for us to undertake a factual enquiry as to whether the Petitioners names were proposed and/or they were prevented from attending the training. We intend to entrust this task to the Deputy Director of Education. The Deputy Director, after examining the record of the Schools can find out whether the Petitioners were to be sent for training. The Deputy Director can summon the Respondent - Schools to produce the record. Needless to state that if it is found that the Petitioners names were proposed by the Schools, then they will be given benefit of the higher grade as

sought for, as no other ground is taken in the reply of the Education Officer.

7. Accordingly, the Petition is disposed of directing the Deputy Director of Education, Mumbai to call for the record from the Respondent Nos.2 and 3 for the purpose of the enquiry as indicated above, and take a suitable decision. The Deputy Director of Education will complete the enquiry as early as possible, preferably within three months.

N.M. JAMDAR, J.

CHIEF JUSTICE