

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

Amk

WRIT PETITION NO. 2790 OF 2013

Shri Sharad Ganpat Gaikwad .. Petitioner

Vs.

Dr. Babasaheb Ambedkar Education

Society (Shikshan SAnstha) & Ors. .. Respondents

Mr. Virendra Pethe I/b B. D. Joshi for the Petitioner,

Mr. Santosh Jagtap a/w. Ms. Anita Murgude I/b Ranjana Todonkar for
Respondent No.4.

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

DATE : 6th JUNE, 2019.

P.C. :

1. It is noted with regret that till date the Respondents have not filed reply to the Writ Petition and thus we are constrained to treat the averments made therein as correct on account of non traverse.

2. The Petitioner was employed as a clerk in the primary section of the 2nd Respondent - School which has been established by the 1st Respondent-Trust. He was removed from service and challenge to the said order currently awaits adjudication in this Court under Writ Petition No. 582 of 2013 filed by the Petitioner.

3. It is pleaded in the instant Writ Petition that the 4th Respondent

is the wife of the President of 1st Respondent-Trust and was a treasurer of the trust. It is pleaded that 2nd Respondent illegally appointed the 4th Respondent as a peon and paid salary to her from out of grant-in-aid received by the School from the Education Department of the State of Maharashtra. It is pleaded that the School Leaving Certificate evidencing the educational qualification of the 4th Respondent is a fabricated document. Grievance is to the 3rd Respondent not paying heed to the representation made to the 3rd Respondent.

4. Meaningfully read the grievance has two distinct aspects. The first is to giving employment to a Treasurer of the Trust which has established the school and he extended limb being the President of the Trust giving employment to his wife through the school established by the Trust. The second would be to the educational qualification of the 4th Respondent. Since the 2nd Respondent under which the 4th Respondent has been employed as a peon is receiving grant-in-aid, it would be duty of the 3rd Respondent to ensure that a duly qualified person is appointed as a peon after following selection procedure.

5. We dispose of the Petition directing the 3rd Respondent to treat the Writ Petition as representation to him and after calling for the records from the 1st and 2nd Respondents and hearing the representative of the said two Respondents as also granting a hearing to Respondent No.4 pass necessary directions.

6. Needless to state if it is found that the employment of Respondent

No.4 was contrary to law and/or abuse of power by the President of the 1st Respondent-Trust, 4th Respondent would be removed as peon as per the directions issued.

7. Compliance would be made within 8 weeks from today.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]