

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.962 OF 2019

(SWAPNIL BALCHAND FULEKAR...VS.. HINDUSTAN VIDYA MANDAL & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.N.Shende, Advocate for Petitioner.
Ms Tajwar Khan, A.G.P. for Respondent No.3.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 07, 2019.

Heard.

The petitioner was given appointment on compassionate ground by the management. Initially the Education Officer, by order dated 1st April 2016 had granted approval to the appointment of the petitioner. However, subsequently after granting hearing to the petitioner and the management, by order dated 4th October 2016 the Education Officer cancelled the earlier order by which the appointment of the petitioner was approved. After the order dated 4th October 2016 was passed by the Education Officer, the management terminated the services of the petitioner. The petitioner approached the School Tribunal by filing appeal, which is dismissed by the impugned order.

The Tribunal has recorded that the petitioner has not been able to point out that his appointment was made by the management in compliance with the requirements of Section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The petitioner

has not been able to show that the findings recorded by the Tribunal suffer from any infirmity or illegality.

According to the petitioner, he was entitled to be appointed on compassionate ground, however, the only defect in the procedure adopted by the management at the time of his appointment was that the management had not invited the list of candidates from the office of Education Officer. There is nothing on record to show that the petitioner was the only candidate seeking appointment on compassionate ground in the school administered by the management.

Prima-facie, it appears that the appointment of the petitioner was illegal and without following any procedure. Hence, in my view, the order passed by the Tribunal cannot be said to be illegal or unjustified. I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE