

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5490 OF 2009

Ravindra Shikshan Sanstha, Palandur Chauras, Thr. Its President Tal. Lakhandur, Dist. Bhandara and anr.

-VS-

Kishore s/o Rajaram Bagade, Tal. Sakoli, Dist. Bhandara and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. V. Samarth, Advocate with Shri V. P. Ingle,
Advocate for for petitioners.

Shri P. N. Shende, Advocate for respondent No.1.

Shri A. M. Kadukar, Assistant Government Pleader for
respondent No.2.

CORAM : A. S. CHANDURKAR, J.

DATE : November 07, 2019

The challenge in the present writ petition is to the judgment of the School Tribunal dated 03/07/2009 whereby the appeal preferred by the respondent No.1 for challenging the order dated 31/03/1995 terminating the services of respondent No.1 has been allowed and he has been reinstated on the post of Assistant Teacher with continuity and back-wages.

2. The services of the respondent No.1 came to be terminated on the ground that he was not duly qualified on account of absence of training qualifications. The learned Presiding Officer in the impugned judgment has observed that pursuant to the Government Resolution dated 29/01/2008 the

respondent No.1 obtained B.Ed. qualification within six years from the date of his appointment and therefore his services were not liable to be terminated.

3. During pendency of the appeal before the School Tribunal an interim order was passed by virtue of which the respondent No.1 was reinstated in service subject to outcome of the said appeal. When this writ petition was admitted on 25/06/2010 the said fact was noted and no interim relief was granted. Thereafter on 05/05/2011 the learned Assistant Government Pleader placed on record a communication dated 05/04/2011 that was issued by the Education Officer in which it was stated that the approval to the services of the respondent No.1 would be restored.

4. Shri M. V. Samarth, learned counsel for the petitioners on instructions submits that the respondent No.1 is still in service and is discharging his duties as Assistant Teacher.

5. Considering the fact that services of the respondent No.1 were terminated only on the ground that he did not have the training qualifications which he has thereafter obtained which

was permissible as per the Government Resolution dated 29/01/2008, there is no reason found to interfere with the impugned order. Moreover, the respondent No.1 has been continued in service since 1995. His services have also been regularised. In that view of the matter there is no reason to interfere in writ jurisdiction.

The writ petition is accordingly dismissed with no order as to costs. Rule stands discharged.

JUDGE