

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

WRIT PETITION NO.5447 OF 2019

(KU. KUSUMAWATI KASHINATH BHOPLE....VS.. HIWARKHED EDUCATION AND WELFARE
 SOCIETY & OTH.)

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

Court's or Judge's orders

 Shri Prashik S. Gawai, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 06, 2019.

Heard.

Being aggrieved by the order passed by the School Tribunal, dismissing the appeal and rejecting the challenge of the petitioner to her termination, this petition is filed. The relevant considerations are in para No.11 of the impugned order, as follows:

“11. In the light above requirements the facts of the present case needs to be weighed. It pleaded by the appellant that she was the first employee of the school and was appointed as HM. As discernible from the documents on record, in the year 2007, she was aged about 38 years. Apparently she seems to be over aged. Apart from this, she does not satisfy requisite criteria of eligibility to become Head Mistress as contemplated under Rule 3 of the Rules. To add more to this, she filed bulk of documents on record to show that, she rendered services as HM and even issued appointment orders to number of teachers. However, she failed to file her own appointment order on record. There is no iota of documents on record to show that there was any prior permission of the Education Department to fill the vacancy. There is

nothing on record to show that any advertisement was published calling eligible candidates for interviews. There is nothing on record to show that the appellant was selected in the interviews from any selection process. There is nothing on record to show that the School Committee ever resolved to appoint her as HM. Her entire case revolves around the rule of estoppel. Nevertheless, merely on the basis of subsequent acquiescence from the Management it cannot be said that her appointment was lawful. As mentioned, she does not satisfy eligibility criteria. She has squarely failed to fortify above legal requirements of valid and lawful appoint. (ment) Hence, I answer issue No.2 in the negative.”

The petitioner has not been able to point out any legality or perversity in the appreciation of material on record by the School Tribunal. It cannot be said that the Tribunal has committed any error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the petition is **dismissed**. No costs.

JUDGE