

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

WRIT PETITION NO.5684/2017

Mrs. Swapna w/o Amit Pande.

Vs.

The Education Officer (Secondary), Zilla Parishad, Nagpur and others.

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

Court's or Judge's order

.....
Shri N. B. Kalwaghe, Advocate for the petitioner.

Ms. G. Tiwari, Assistant Government Pleader for respondent No.1.

Shri Aadil Mirza, Advocate for respondent Nos. 2 and 3.

CORAM : **R.K. DESHPANDE &
MILIND N. JADHAV, JJ.**

DATED : **17th DECEMBER, 2019.**

. In response to the advertisement dated 24.03.2015 issued by the respondent Nos. 2 and 3, the petitioner was appointed as a Shikshan Sevak. The proposal was forwarded for grant of approval to the Education Officer and it is rejected by an order dated 07.01.2017 assigning three reasons. Hence, the petitioner has approached this Court challenging the said rejection.

2. In response to notice issued by this Court, the respondent – Education Officer has filed an affidavit stating in paragraph Nos. 4 and 5 as under.

“4. The answering respondent also observed that the advertisement dated 24.03.2015 published in daily ‘Hitvada’ news paper for filling the post of

Shikshan Sevak was not in the prescribed form. It is submitted that, Govt. Resolution dated 06.02.2012, guidelines for granting approvals to the appointment of teaching and non-teaching employees in private aided school are given, accordingly it is mentioned that the following information should be published in the advertisement post reservation, the essential qualification (with medium and subject) required for the post, age limit, nature of post i.e. full time/part time/on clock hour basis/leave vacancy etc., the grant status of the post i.e. granted/partially granted/permanent non granted/non granted etc. sanctioned post as per the staffing pattern whether the post is proposed increased post, remuneration/pay scale for the post, workload for the post.

5. It is submitted that, the advertisement made for the said post was not in accordance with the above mentioned guidelines. It was also noticed that in the advertise, the education and professional qualification was given as Hindi with

Sanskrit as their measure subjects in B.A./M.A. & B. Ed. whereas the qualification of the petitioner was B.Com, B.A.(Hindi), B.Ed. also it was noticed that the petitioner was not having B.Ed. Degree with Sanskrit subject. Thus it is clear that the appointment of the petitioner was not as per the advertisement publish in news paper considering the above facts, condition laid down in Govt. Resolution dated 06.02.2012, the answering respondent rightly rejected the proposal for the approval to the appointment of the petitioner.”

3. It is urged by the learned Counsel of the petitioner that the Management has committed mistake in advertising posts and the petitioner is required to suffer for such a mistake.

4. We do not think that the appointment of the petitioner can be protected on the basis of any such reason. The Education Officer has taken a stand as paragraph Nos. 4 and 5 and we do not find any fault with taking such decision.

5. Hence, this Writ Petition is dismissed.

JUDGE

JUDGE