

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

WRIT PETITION NO.4298/2018

Ku. Minakshi Sudhakar Rao Bondre

...Versus...

Nadkar Vidyalaya Shikshan Sanstha, Narkhed, Dist. Nagpur through its
Secretary and others

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

Court's or Judge's orders

Shri P.N. Shende, Counsel for petitioner
Shri A.S. Band, Counsel for respondent nos.1 and 2
Mrs. M.A. Barabde, AGP for respondent no.3
Shri P.B. Patil, Counsel for respondent no.4

CORAM : AVINASH G. GHAROTE, J.

DATE : 27/02/2020

1. Heard Shri Shende, learned Counsel for the petitioner. The only contention raised is that on 12/7/2014 when the interview was conducted for the post of lecturer in Chemistry with the respondent no.1, in pursuance of the advertisement dated 5/7/2014, the petitioner, was duly qualified holding the qualification of M.Sc. in Chemistry and also a B.Ed. degree. The interview was conducted on 12/7/2014 and the letter of appointment was issued to the petitioner on 14/7/2014, appointing the petitioner on probation for a period of two years. The proposal thereafter was sent to the Education Officer for approval. It would be

pertinent to note that the appointment was made in an unaided post. By a letter dated 2/8/2016, the Deputy Director of Education refused to grant approval on the ground that on 12/7/2014, when the interview was conducted, the petitioner did not have the requisite qualification. The respondent no.1 thereafter by letter dated 9/8/2016, terminated the services of the petitioner.

2. Being aggrieved by the said termination, the petitioner filed Appeal No.23/2017 under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The School Tribunal, by judgment, dated 23/1/2018, dismissed the appeal holding that as on the date of the interview, the petitioner did not hold the requisite qualification, which dismissal is the subject matter of challenge in the present writ petition.

3. In order to clarify the position as to the date of acquisition of qualification by the petitioner, this Court by an order dated 9/12/2019, had directed the respondent no.4 – University, to file an affidavit specifically stating the date on which the result of the B.Ed. examination conducted in Summer 2014 was declared, in pursuance of which the University has filed an affidavit on 20/1/2020 in which in paragraph no.2 it has been categorically stated that the result of the new course in B.Ed. was declared on 14/7/2014 and the petitioner was the student of the new course. That being the position, it is apparent that on the date of the

advertisement, i.e., 5/7/2014 as well as on 12/7/2014, the date of the interview, the petitioner was not possessing the requisite qualification. In the case of *Ramchandra s/o Pandurang Dalal Vs Municipal Council, Pavni and others*, reported in *2006 (6) Mh.L.J. 227*, it has been categorically held that the date of the result would be the date on which a person would acquire qualification, in light of which on 12/7/2014, the date of the interview, the petitioner obviously did not possess the qualification as the result was declared on 14/7/2014.

4. In that light of the matter, I do not find any infirmity in the judgment of the School Tribunal, dated 23/1/2018. The writ petition therefore is without any merits and is accordingly dismissed. No order as to costs.

JUDGE