

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8347 OF 2010

Shaikh Mehboob Abdul Rashid

... Petitioner

V/s.

Suprabhat Shikshana Prasarak Mandal & Ors.

... Respondents

Mr. S.G. Kudle for the Petitioner

Mr. Chandrakant Chavan for Respondent Nos. 1 and 2

Mr. Vivek Rane i/b. Vijay Killedar for Respondent No.3

Ms. S.S. Bhende, AGP for the Respondent – State

***CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.***

DATE : 4 APRIL 2022

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner is claiming to be appointed as a Peon with effect from 1 January 2005 by the Respondent Nos. 1 and 2.

3. It is the contention of the learned Counsel for the Petitioner that the Petitioner is entitled to get approval to his

appointment as a Clerk. According to the Respondent Nos.1 and 2, the documents submitted by the Petitioner are forged and no proposal seeking approval to the appointment of the Petitioner as a Clerk was ever sent by the Respondent Nos. 1 and 2.

4. It is an admitted fact that the appointment of the Petitioner as a Peon was never approved by the Education Officer. As regards the appointment of the Petitioner as a Clerk, we find that the Petitioner has not filed on record any proposal sent by the Respondent Nos. 1 and 2 to the Education Officer for seeking his approval. Thus, there is no copy of the proposal sent by the Respondent Nos. 1 and 2 to the Education Officer for seeking approval to the appointment of the Petitioner as a Clerk and there is an assertion by the Respondent Nos. 1 and 2 that no proposal was ever forwarded by them to the Education Officer.

5. Then, during the course of the enquiry made by the Deputy Director, it was noticed by him that when the appointment of the Petitioner was allegedly made as a Peon in June 2000, the Petitioner was already a full time student pursuing B.A. Course from 2002-2003 to 2004-2005 and subsequently, he was a full time student pursuing D.Ed. Course in the year 20080-2009. We have no reason to disbelieve this finding recorded by the Deputy Director of Education.

6. In the circumstances, we find that the Petitioner could not establish his right to get his appointment as a Peon and also a Clerk approved by the Deputy Director of Education and therefore, we are also of further view that there is no merit in this Petition.

7. The Petition stands dismissed.

G.A. SANAP, J.

SUNIL B. SHUKRE, J.

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date:
2022.04.06
11:15:52 +0530