

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

WRIT PETITION NO.5215 OF 2019

Surekha Madhaorao Gaidhane, Umred Road, Dighori, Nagpur

-vs-

The State of Maharashtra, Thr. Secretary, School Education & Sports Dept. Mantralaya, Mumbai
and ors.

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

Court's or Judge's Orders.

Shri P. A. Jibhkate, Advocate for petitioner.

Smt S. S. Jachak, Assistant Government Pleader for respondent Nos.1
to 3.

Shri Sheikh Majid, Advocate for respondent No.4.

Shri B. G. Kulkarni, Advocate for respondent Nos.5 to 7.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : September 29, 2022

The petitioner claims to have been appointed at the respondent No.6-School run by respondent No.5-Society. It is her case that she was initially told that there was no sanctioned post of Peon. However, after the post of Peon was subsequently sanctioned, appointment was granted to the respondent No.7.

The petitioner issued a legal notice on 17/09/2018 to the respondents No.5 claiming that she was serving since 1991 and she was entitled to be appointed on the sanctioned post. There being no response to the aforesaid notice, this writ petition has been filed.

On behalf of the respondent Nos.5 to7, it has been stated in the reply that the petitioner was never appointed at the

respondent No.6-School and she had no right to seek the relief prayed for in the writ petition. The respondent No.7 was appointed in the year 2011 and his appointment was approved in the year 2013.

In reply filed by the respondent No.4 it is stated that no proposal seeking to the petitioner's appointment was ever sent to it.

We find that there are various disputed questions arising for consideration. There is no material on record to hold that the petitioner was infact appointed on the post of Peon. If according to the petitioner she was so appointed and thus entitled to continue her duty, she will have to get her right adjudicated by invoking appropriate statutory jurisdiction.

In that view of the matter, we are not inclined to entertain the writ petition. With aforesaid liberty, the Writ Petition is dismissed. No costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita