

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

103 WRIT PETITION NO.1431 OF 2023

RAJENDRA BHAUSAHEB CHATTAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.C.V.Thombre, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : FEBRUARY 8, 2023

PER COURT :

1. The learned Advocate for the petitioner has been entrusted with this brief through The High Court Legal Services Authority, Sub Committee, Aurangabad.

2. The petitioner has put forth prayer clause B, C and D as under :-

"B. By issuing appropriate writ or order, order dated 20.07.2022 passed by the respondent No.3 rejecting the application of the petitioner for transfer from unaided to aided school as per the application dated 04.05.2022 may kindly be quashed and set aside and grant approval for transfer of petitioner from unaided to aided school grant approval for

transfer and also direct to release the salary of the petitioner with arrears of salary due and payable to the petitioner.

C. By issuing appropriate writ or order, the order of appointment of respondent No.6 may kindly be quashed and set aside.

D. Pending hearing and final disposal of this petition, respondents may kindly be directed to not to terminate the service of the petitioner as Assistant Teacher on the ground of orders passed by the Education Officer (Secondary) dated 20.07.2022."

3. The impugned order dated 20.07.2022, indicates that one Assistant Teacher namely Babaji Jijaba Choudhari passed away on 06.02.2021. He was teaching the 8th to 10th standard students. The petitioner claims that he has the requisite qualifications to occupy the vacancy that arose on account of the demise of Shri Choudhari.

4. The petitioner has acquired the qualification of B.A. B.PEd. (Bachelor of Physical Education). The subject that was being taught by late Shri Choudhari, was English. The Management published an advertisement in "Daily Lokmat" calling for applications for selecting a candidate in place of deceased Choudhari. The petitioner did not apply pursuant to the said advertisement. The Management took a stand that the petitioner was a Sports Teacher and though he claims that he can

teach the English subject, Shri Choudhary, was not imparting education only for the English subject. Shri Choudhari used to teach several subjects, as per his qualification, for the 8th to 10th standard.

5. Considering the above and since the petitioner did not respond to the advertisement, he cannot be considered merely because he feels that he should be accommodated on the vacancy that has arisen due to the death of a teacher.

6. In view of the above, this petition is disposed off.

7. The fees payable to the learned Advocate for the petitioner are quantified at Rs.2,000/-, which shall be paid by The High Court Legal Services Authority, Sub Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)