



{1}

941 sr.no..odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4589 OF 2024

NANDLAL BHIMRAO BARDE

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

.....Respondent

.....

Advocate for the Petitioner : Mr. Swapnil Patunkar, for J.P. Legal
Associates

AGP for Respondents: Mr. Abhijit M. Phule.

CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.

DATE : 2ND MAY, 2024.

P.C. :-

1. Present petition has been filed for following reliefs :0
 - “[B] The record and proceedings may kindly be called for;
 - [C] By issuing the Writ of Certiorari or any other appropriate Writ, directions or any other order in the likewise nature the Order/communication bearing Outward No.SUS/KMV-3/NS/2023-24/639 dated 18.01.2024 addressed by respondent No.2 to respondent No.3 may kindly be set aside;
 - [D] The respondent No.2 may kindly be directed to include the name of the present petitioner in the list of Selection Grade Teacher.”

2. Heard learned advocate for the petitioner and perused the documents on record. The position stands is that, in respect of the School in which the petitioner is working, as per Resolution dated 20.7.2021, there should be 5 sanctioned posts of teaches out of which 20% would be given Selection Grade as per the seniority. The learned counsel for the petitioner is not disputing the position that there are 3 sanctioned posts and as on today, the Govt. Resolution dated 20.7.2021 is holding the field that is the reason for rejection of the proposal by respondent No.2.

3. The learned advocate for the petitioner points out the Government Resolution dated 31.7.2019, thereby the Committee was appointed to give suggestions for some revision of the Government Resolution dated 2.3.2019. But, he is not sure as to whether the said Committee has submitted a report to the Government or not.

4. Though the said Government Resolution passed and the Committee has been appointed, unless it is shown by the petitioner that the policy has been changed and Government Resolution dated 20.7.2021 has undergone change, it could not be stated that any right is accruing in favour of the petitioner. Under the said circumstances, we do not find that the impugned order dated 18.1.2024 suffers from any illegality and interference is required.

5. In the result, petition stands dismissed at the thresh-hold.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-