

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

WRIT PETITION NO.1149 OF 2024

Mrs. Shaikhh Neelofar Khalid Alis
@ Ms. Pathan Neelofar Yusufkhan
V/s.
The President/Secretary,
Dr. Zakir Hussain Education Society and ors.

... Petitioner

... Respondents

Mr. Avinash Fatangare through V.C. i/by Ms. Archana S. Shelar, Advocates
for the Petitioner.

Mr. P. V. Nelson Rajan, AGP for the State.

Mr. Abhishek S. Nandimath, Advocate for Respondent No.2.

Mr. Subhash V. Gutte, Advocate for Respondent No.4.

CORAM : SANDEEP V. MARNE, J.

Dated : 24 February, 2025.

P.C. :

1. The petition challenges judgment and order dated 23rd August, 2023 passed by the Presiding Officer, School Tribunal, Nasik dismissing the Petitioner's appeal.

2. I have heard Mr. Avinash Fatangare, learned counsel appearing through V.C. for the Petitioner, Mr. P. V. Nelson Rajan, learned AGP for the State, Mr. Abhishek S. Nandimath, learned counsel for Respondent No.2 and Mr. Subhash V. Gutte, learned counsel for Respondent No.4.

3. The School Tribunal has recorded a finding of fact that no advertisement was issued, no process of selection was conducted nor was there a clear and permanent post available at Respondent No.4-School at the time of initial appointment of the Petitioner. The learned counsel appearing for the Petitioner invites my attention to advertisement annexed at Exhibit-B and interview letter annexed at Exhibit-C to the petition. Perusal of the said advertisement would indicate that the same was issued by Dr. Zakir Hussain Education Society, whereas Respondent No.4-School is managed by Anjuman Himayatul Islam Trust. Furthermore, the interview letter at Exhibit-C was in respect of appointment in Aglo Urdu High-school, Nasik Road of Respondent No.1-Management and not for appointment in Respondent No.4-School of Respondent No.2-Management. Therefore, it is difficult to connect the advertisement and interview letter to the initial appointment of the Petitioner in Respondent No.4-School. No evidence is produced to show that permanent vacant post existed in Respondent No.4-School for appointment of the Petitioner. She filed an undertaking on 30th June, 2007 showing that her appointment was on temporary basis. She worked only for two years and never attained the status of Assistant Teacher. In that view, no serious error can be traced in the order passed by the School Tribunal.

4. The Petition is accordingly rejected.

(SANDEEP V. MARNE, J.)