

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

WRIT PETITION NO. 7061 OF 2024

Smt. Supriya Madhukar Mestry

... Petitioner

Versus

Aros Shikshan Prasarak

Mandal ,Aros And Ors

... Respondents

Mr. N.V. Bandiwadkar, *Sr. Advocate, Mr. Rajendra B. Khaire & Mr. Aniket Phapale i/b Ms. Ashwini Bandiwadkar for the Petitioner.*

Mr. P.P. Kakade, *Addl. GP. a/w V.R. Raje, AGP for Respondent No.4-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 24 MARCH 2025.

P.C. :

1) The Petition challenges judgment and order dated 11 September 2023 passed by the Presiding Officer, School Tribunal, Kolhapur dismissing the Appeal No. 15 of 2020 filed by the Petitioner in which she had sought to challenge otherwise termination dated 19 August 2019.

2) I have heard Mr. Bandiwadkar, the learned Senior Advocate appearing for the Petitioner and Ms. Raje, the learned AGP appearing for Respondent-State. I have gone through the findings recorded by the School Tribunal in the impugned order as well as the relevant records of the case filed alongwith the Petition.

3) It appears that a permanent vacancy of Teacher had arisen on account of death of the Head Master. The School Management could have taken up process for filling up the said permanent vacancy by conducting selection process for appointment of a regular Shikshan Sevak. However under the provisions of Government Resolution dated 26 June 2016, there was ban on recruitment of fresh Shikshan Sevaks till the process of absorption of over 8,000 surplus Teachers was completed. Understanding this difficulty, the School Management wanted to make a stop gap arrangement till availability of a surplus Teacher from the office of Education Officer/Deputy Director. Towards such stop gap arrangement, advertisement was issued on 8 February 2017 for filling up the post of Shikshan Sevak on temporary basis. Even in the appointment order of the Petitioner dated 17 February 2017, there was a specific stipulation that the appointment was made on contract basis till availability of surplus Teacher. Thus there was no intention on the part of the School Management to make any permanent appointment of Shikshan Sevak. The engagement of the Petitioner was on contract basis and as a stop gap arrangement till availability of surplus Teacher in accordance with paragraph (6) of the GR dated 27 June 2016. In my view, therefore no right vested in the Petitioner to have herself converted as Assistant Teacher merely on the strength of her contractual engagement as Shikshan Sevak. Therefore no serious flaw can be traced in the impugned judgment and order of the School Tribunal. The Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]