



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

WRIT PETITION NO. 1062 OF 2019

Vandana Manohar Hingmire
 aged about : 44 years,
 Occupation : Service,
 [Presently terminated]
 R/o Goenka Layout, Near
 Jawaharnagar, Akola
 Tq. & Dist. Akola



.. Petitioner

Versus

- 1) Akola Urban Education Society,
 Akola, through its President,
 R/o C/o Tajna Peth, Akola
 Tq. & Dist. Akola
- 2) The Head Master,
 B.R.High School, Tajna Peth, Akola
 Tq. & Dist. Akola
- 3) The Education Officer [Secondary]
 Zilla Parishad, Akola
 Tq. & Dist. Akola



.. Respondents

Mr. V.A. Kothale, Advocate for petitioner.
 Mr. P.A. Kadu, Advocate for respondent Nos.1 and 2.
 Ms.Ritu Sharma, A.G.P. for respondent No.3.

CORAM : SIDDHESHWAR S. THOMBARE, J.

DATED : NOVEMBER 24, 2025

ORAL JUDGMENT

(1) Heard. **Rule.** Rule made returnable forthwith. Heard

finally with the consent of the learned counsel appearing for the parties at the admission stage.

(2) The petitioner challenges the order dated 17/01/2019 passed by the learned School Tribunal, Amravati in Appeal No.23/2017, whereby the appeal filed by the petitioner came to be dismissed.

(3) Learned counsel for the petitioner submits that the petitioner was appointed in the year 1994 against the post of Assistant Teacher in open category, and her appointment was also approved by the Education Officer. Subsequently, only in the year 2017 the management tried to convey that she had been appointed against the post of reserved category, therefore, she needs to file caste validity certificate, failing which her services will be terminated. On 20/07/2017 respondent No.1 terminated her services on the ground of non-submission of validity certificate. Aggrieved by the said termination order, she approached the learned School Tribunal, Amravati. The petitioner approached this Court against the order of termination at the relevant time when the School Tribunal was not available, therefore, this Court granted interim protection to her. Thereafter, learned School Tribunal dismissed the said appeal.

(4) Learned counsel for the petitioner further submits that

none of the appointment orders right from initial appointment dated 04/12/1994 shows that the petitioner was appointed against a reserved category post. Even subsequent appointment orders do not reflect that she was appointed against the reserved category and during that period her services were approved by the Education Officer. Therefore, he submits that the learned Tribunal has committed an apparent error by dismissing the appeal.

(5) Per contra, learned counsel for the respondent Nos.1 and 2 invited my attention to the approval orders issued by Education Officer, as well as the roaster approved by the Assistant Commissioner, Backward Cell, Amravati, pointing out that in all these orders it is clearly stated by the management that she was appointed against the post of reserved category. He also refers to the affidavit filed by the petitioner contending that she herself accepted that she was appointed against the said post of reserved category candidate. Hence, she can not now take a contrary stand. He further submits that learned Tribunal has rightly considered the fact and recorded findings that her appointment was illegal, therefore, dismissed the appeal.

(6) Learned Assistant Government Pleader supports the order passed by the School Tribunal and submits that the petitioner was appointed against the post of reserved category and during this

proceeding she was declared surplus and accommodated in other school.

(7) I have gone through the record and the impugned order. It is an admitted fact that the petitioner was working since 1994 and initial record shows her appointment was from the open category. However, at a later stage, her appointment was shown in reserved category post, and her services were terminated in the year 2017 on the grounds that she failed to submit validity certificate. The learned Tribunal observed that the appointment was illegal, therefore, dismissed her appeal.

(8) Upon perusal of the entire record and order passed by the learned Tribunal, the fact remains that she has been working since 1994, her initial appointment order and approval order show that she was appointed from open category and because of the interim order, she continued in service and accordingly now she was declared as surplus teacher and accommodated in other School. The same was also confirmed by the learned Assistant Government Pleader. Therefore, I am inclined to allow the present petition in the following terms :-

ORDER

1. The Writ Petition is allowed.
2. The order dated 17/01/2019 passed by learned School Tribunal, Amravati in Appeal No.23/2017 is hereby quashed and set aside.
3. It is made clear that the petitioner is already declared surplus, therefore, she is not entitled to file an application for repatriation with the respondent No.2 school.
4. As the petitioner is receiving salary, therefore, no question of back wages from any of the respondents would arise.
5. No order as to costs.

Rule is made absolute in the above terms.

(SIDDHESHWAR S. THOMBRE)

KOLHE