
(2006) 02 BOM CK 0024

In the Bombay High Court

Case No : Writ Petition No. 7603 of 2003

Jayashri Manohar Kale

APPELLANT

Vs

State of Maharashtra and Others

RESPONDENT

Date of Decision : 10-02-2006

Acts Referred:

Citation : (2006) 5 BomCR 379 : (2006) 2 MhLj 537

Hon'ble Judges : V.G. Palshikar, Acting C.J.; Nishita Mhatre, J

Bench : Division Bench

Advocate : Manjiri Parasnis, instructed by G.S. Godbole, for the Appellant; S.R. Nargolkar, AGP for respondent Nos. 1 to 4, for the Respondent

Judgement

Nishita Mhatre, J.—By this Writ Petition, the petitioner challenges the communication received by her from respondent No. 6 informing her that her request for continuing in her post as a teacher in the Deaf and Dumb School was rejected. The petitioner was informed that her representation could not be considered as she did not have the requisite qualifications. The petitioner contends that she is entitled to the benefit of the judgment delivered by the Division Bench of this Court on 25-7-2000 in Writ Petition No. 2858 of 2000 and is, therefore, entitled to continue in service as a special teacher in the Deaf and Dumb school.

2. After completion of her Secondary School Certificate Examination conducted by Maharashtra State Secondary School Certificate Board in 1989, the petitioner was admitted to the Diploma in Education for Hearing Impaired (for short, hereinafter referred to as "D.Ed.H.I.") in Swami Samarth Mookbadhir Adhyapak Vidyalaya, Solapur. The petitioner successfully completed her D.Ed.H.I. She was appointed as a special teacher in the Resident Deaf and Dumb School conducted by respondent No. 6 in which respondent No. 5 was the Headmaster. The Rehabilitation Council of India which was established after the petitioner had completed her D.Ed.H.I. withdrew the recognition granted to the Institution from which the petitioner had completed her D.Ed.H.I. Some teachers and a union of

ex-students had filed writ petitions in this Court as the recognition granted to some institutions including Swami Samarth Mookbadhir Adhyapak Vidyalaya, Solapur was withdrawn by the Rehabilitation Council of India (for short, hereinafter referred to as "RCI") established under the Rehabilitation Council of India Act, 1992. This Court by its judgment dated 25-7-2000 held that the recognition of these institutions have been withdrawn after the candidates had successfully completed their D.Ed.H.I. course, it was necessary to protect their careers. The RCI was directed to conduct a Bridge Course for the candidates who have passed D.Ed.H.I. from the two institutions including the institution from which the petitioner had passed her D.Ed.H.I. course prior to 1994 and upon completion of this course, their names were to be entered in the register of the Council. The petitioner completed the Bridge Course in 1999. The RCI did not issue the petitioner any registration certificate till 10-9-1999. A copy of that certificate was submitted to respondent Nos. 5 and 6 by the petitioner for being permitted to continue as a special teacher in the school. Several representations were made by the petitioner to be retained in service on account of the aforesaid judgment of the Division Bench of this Court. However, on 25-6-2002, respondent No. 6 rejected her representation on the ground that she did not have the requisite qualifications. Hence, this petition.

3. Ms. Parasnis, appearing for the petitioner, rightly pointed out to us that the petitioner is entitled to the benefits of the judgment of this Court in Writ Petition No. 2858 of 2000. There is no dispute that the petitioner has completed the D.Ed.H.I. course from Swami Samarth Mookbadhir Lohaya Centre prior to 1994. There is also no dispute that the petitioner had completed the Bridge Course in the year 1999 and her name has been entered in the register of the RCI, In these circumstances, the refusal by respondent No. 6 to retain the petitioner in service is unwarranted and unsustainable.

4. We, therefore, set aside the order dated 25-6-2002 rejecting the representation made by the petitioner. Respondent No. 4, the Social Welfare Officer, Grade I, Zilla Parishad is directed to ensure that respondent Nos. 5 and 6 abide by the directions issued by this Court in Writ Petition No. 2858 of 2000 and reinstate the petitioner in service with all consequential benefits.

5. Writ Petition is disposed off accordingly.