

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 6753 OF 2005

Smt. Rekha Hukumchand Patni,
aged 41 years, occ. service,
r/o. Gavalipura, Aurangabad.

... PETITIONER

VERSUS

1. The State of Maharashtra,
(through the Secretary,
School Education Department,
Mantralaya, Mumbai).
2. The Director,
Maharashtra State Council
for Education and Training, Pune.
3. The Deputy Director of Education,
Aurangabad Region, Aurangabad.
4. The Education Officer (Primary)
Zilla Parishad, Aurangabad.
5. The Head Master,
P.U. Jain Vidyalaya (Primary)
Rajabazar, Aurangabad.

... RESPONDENTS

Mr. A.D.Kasliwal, Advocate for the Petitioner.
Mr. K.G.Patil, AGP for Respondent Nos.1 to 3.
Mr. D.R.Kale Patil, Advocate for Respondent No.4.
Mr. Anil H. Kasliwal, Advocate for Respondent No.5.

CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 04th February, 2015.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

1. The petitioner impugns the order passed by the Deputy Director i.e. Respondent No.3 dated 31st December, 2005. Mr.Kasliwal, learned counsel for the Petitioner states that the Division Bench of this Court [Coram: B.R.Gavai & R.M.Borde, JJ.] vide order dated 7th December, 2010 passed in Writ Petition No.572 of 2006 [Shaikh Majid Ali S/o Liyakat Ali and others V/s The State of Maharashtra and others] in identical set of facts, has allowed the writ petition and set aside the order passed by the Deputy Director, cancelling admission of the petitioner.

2. The learned A.G.P. has gone through the said judgment delivered by the Division Bench of this Court and accepts that the said writ petition No.572 of 2006 and 610 of 2006 were based on same set of facts. In the present case also the petitioner had completed D.Ed. course and after receiving the passing certificate the impugned order came to be passed.

3. In light of above, we adopt the same course and pass the similar order.

4. The impugned order dated 31st December, 2005, is

quashed and set aside.

5. Rule is made absolute in above terms. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

ndm