IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9656 OF 2009
in
Civil Application No. 9070 of 2007
in
Writ Petition No. 1375 of 2007

Gangadhar s/o Kashinath Suryakar **Applicant**

V E R S U S

The State of Maharashtra & Ors. **Respondents**

Mr. N.P. Patil, Advocate, holding for
Mr. P.G. Rodge, Advocate, for the applicant
Mr. S.K. Kadam, AGP for respondent no.1/State
Mr. A.V. Hon, Advocate for respondent no.2

W I T H

CIVIL APPLICATION NO. 323 OF 2010
in
Writ Petition No. 1375 of 2007

Mahatma Jyotiba Phule Samaj Sudharak Mandal, Handarguli, Taluka Udgir, District Latur & Anr. **Applicants**

V E R S U S

Gangadhar s/o Kashinath Suryekarm & others **Respondents**

Mr. V.D. Gunale, Advocate, for the applicants
Mr. N.P. Patil, Advocate, holding for
Mr. P.G. Rodge, Advocate of respondent no.1
Mr. S.K. Kadam, AGP for respondent no.2/State
Mr. A.V. Hon, Advocate for respondent no.2 in W.P.

CORAM : A. V. NIRGUDE, &
A. M. BADAR, JJ.
DATE : 9TH JUNE, 2015

PER COURT :

1. Heard both sides.

2. We are not inclined to go behind the correctness of report of the Education Officer. We are also not inclined to examine whether the calculation made by the Education Officer is based on correct pay-scale or otherwise. We have taken this view and we informed this to the learned counsel for the applicant. He still insisted that we should accept his submission and allow him to discuss the correctness of the report.

3. The earlier order passed by this Court in this petition gives an indication that the Court was inclined to examine the correctness of the report, but that view was of the earlier Bench. As said above, we have a firm view which we have expressed above. The applications stand disposed of.

4. The amount shall not be refunded to the party who has deposited it for a period of four weeks. The petitioner is at liberty to get independent order in respect of the amount deposited in this Court.

(A.M. BADAR, J.) **(A.V. NIRGUDE, J.)**

SRM/