

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6392 OF 2015

NUTAN VIDYALAYA SEVA BHAVI SHIKSHAN SANSTHA THROUGH ITS SECRETARY
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Mahesh S. Deshmukh.
AGP for Respondent No.1 : Mr. S. B. Pulkundwar.
Advocate for Respondent No.2 : Mr. N. S. Kadam.

CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 20th October,2015.

PER COURT:

1] This petition takes exception to the order dated 12th June, 2015, issued by the Education Officer, (Primary) Zilla Parishad, Nanded. Learned counsel for the respondents, has tendered across bar letter dated 23.09.2015 written by the Education Officer, to the Head Master of the petitioner school, wherein, it is stated that inadvertently, the impugned order/directions are issued and said order is recalled. The letter is taken on record and marked "X" for the purpose of identification.

2] In view of the said communication between the Head Master and the Education Officer, since the Education Officer has recalled the orders dated 27.02.2015 and 12.6.2015, which was passed inadvertently, without considering the Roster, learned counsel for petitioner submits that the position of division and posts, which was available prior to issuing the

said communications, will be automatically revived. he, therefore, submits that there is no question of taking any instructions from the Government for reviving all those posts. In short, once the orders dated 27/02/2015 and 12/06/2015 are recalled by the respondent Education Officer, as a consequence, the position of division and posts which was available prior to passing of those orders, will get automatically revived. There is no question of seeking approval of the Government since there is no creation of new posts.

3] With the above observations, petition stands disposed of.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-