

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

39 WRIT PETITION NO. 7242 OF 2015

JAGDISH PREMCHAND TOSHNIWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Bhavthankar Vivek Vasantrao
AGP for Respondents: Mr. K J Ghute Patil

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 20, 2015

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PER COURT :-

1. Mr Bhavthankar, learned counsel for the petitioner states that Education Officer had granted approval to the appointment of the petitioner as Head master vide order dated 29.4.2015 subject to the decision in Writ Petition No.7602/2012. Learned counsel submits that said writ petition is still pending. Learned counsel further submits that Writ Petition filed by the present respondent No.4 is already dismissed, still, the education officer has issued a notice to the petitioner upon complaint of respondent No.4. The Respondent Education Officer cannot entertain the complaint of the respondent No.4 whose writ petition is already dismissed and when approval is granted after considering all aspects of the matter.

2. As petition is filed only against notice given by the Education Officer, we are not inclined to consider the case of the petitioner in the present writ petition. It is open for the petitioner to place all relevant facts i.e. orders passed in pending writ petition, in disposed of writ petition before the Education Officer. Needless to state that, Education Officer shall consider all the relevant facts. It is made clear that we have not considered on merits the points raised by the petitioner. We have not entertained the petition only on the ground that petition is filed against a notice.

3. Writ Petition is disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-