

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6320 OF 2013

Ansari Aqueel Ahmed Ansari
Mahemood Ahmed

..PETITIONER

VERSUS

The State of Mah. & ors.

..RESPONDENTS

Mrs A.N. Ansari, Advocate for petitioner;
Mr K.G. Patil, Addl. Govt. Pleader for respondents no.1 & 4;
Mr S.V. Natu, Advocate for respondents no.2 & 3

**CORAM : MOHIT S. SHAH, C.J. AND
N.W. SAMBRE, J.**

DATE : 23rd March, 2015

PC :

The petitioner possesses the qualification of B.Sc., B.Ed. and was appointed as an Assistant Teacher in respondent no.3 secondary school by an order dated 29th June, 1990, for a period of one year from 1st July, 1990 to 20th April, 1991. The said appointment was approved by the Education Officer (Secondary) of the Zilla Parishad, Aurangabad by order dated 7th March, 1991. It appears that respondent No.3 asked for caste validity certificate on

the ground that the petitioner was appointed as an Other Backward Class candidate. On the ground of non production of such a certificate, respondent no.3 - Head Master of the school issued impugned order dated 20th June, 2013, calling upon the petitioner to submit a caste validity certificate. Hence, the petitioner has filed the present petition contending that he had not applied for appointment on post reserved for O.B.C. candidate and that he was appointed as open merit candidate and, therefore, there was no question of the petitioner being required to submit any such caste validity certificate.

2. Learned Counsel appearing for respondent no.2 school management and respondent no.3 Head Master of Abdul Qadar Urdu High School, states under instructions, that respondents no.2 and 3 accept the petitioner's case that he was appointed as an open merit candidate and not as an O.B.C. candidate. In this view of the matter, he further states, respondents no.2 and 3 will withdraw the impugned order dated 20th June, 2013 and will continue the petitioner in service as open merit candidate.

3. In view of the above statement, nothing further survives in the petition. The petition is accordingly disposed of after recording the above statement.

(CHIEF JUSTICE)

(N.W. SAMBRE, J.)

amj