

FARAD CONTINUATION SHEET NO.

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

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 11062 OF 2014

BHASKAR WALIBA BAGNAR
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Bhalerao R.D.
AGP for Respondents/State: Mr.S.K. Kadam.
Advocate for Respondent 4 : Mr.Shelke Shivaji T.

...

CORAM : S.S. SHINDE & A.M. BADAR, JJ.
Dated: SEPTEMBER 30, 2015

...

This petition takes exception to the order dated 22nd September, 2014 passed by the respondent No.4. Learned Counsel for the petitioner invited our attention to page 54 of the compilation of writ petition i.e. application seeking leave dated 1.10.2006. It is submitted that the said application was treated by the respondent / authority as resignation when in fact, the petitioner proceeded on leave so as to enable him to complete B.Ed. Course. It is further submitted that even for the year, 2007, the petitioner has served. The sum and substance of the argument of the Counsel for

the petitioner is that, the said leave application could not have been treated as resignation. Therefore, he submits that the impugned order deserves to be quashed.

2 On the other hand, learned Counsel for the respondent No.4 invited our attention to the relevant Government Resolution dated 27th September, 2011 issued by the School Education & Sports Department, Mantralaya, Mumbai and in particular, Clause (C) thereof and submits that, the candidate who has tendered resignation or left the school, cannot get the benefit of the said resolution. He also invited our attention to the Exh.R-1 i.e. letter by Head Master of the concerned school addressed to the Block Education Officer, Panchayat Samiti, Akole and submits that, even in the said letter, the Head Master did mention that the petitioner has tendered resignation.

3 We have heard learned Counsel for the petitioner, learned Counsel for respondent No.4 and learned AGP for the State. Perused the Government Resolution dated 27th September, 2011 and in particular, clause (C) thereof as also Exh.R-1 to the petition. Upon perusal of the Exh.R-1 at page 54 of the compilation of the petition, in our opinion, the impugned order deserves no interference. The case of the petitioner

cannot be considered *dehors* Clause (C) of the aforesaid Government Resolution.

Hence, the petition stands rejected.

(A.M. BADAR, J)

(S.S. SHINDE, J)

kadam/