

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2792 OF 2014
IN
WRIT PETITION NO.11224 OF 2013**

Kumbhar Ajit Yashwant	..Applicant
Vs.	
State of Maharashtra & Ors.	..Respondents

**WITH
CIVIL APPLICATION NO.2793 OF 2014
IN
WRIT PETITION NO.9948 OF 2013**

Jadhav Uday Hanmant	..Applicant
Vs.	
State of Maharashtra & Ors.	..Respondents

Mr. V. K. Bodhere for the Applicant
Ms M. S. Bane “B” Panel Counsel for the Respondent Nos1 and 2
Mr. Kiran Bapat i/b Mr. A. H. Fatangare for the Respondent No.3

CORAM : R. M. SAVANT, J.
DATE : 23rd July, 2015

P.C.

1 The above Civil Applications have been filed seeking setting aside of the impugned judgment of the School Tribunal in Appeal No.34 of 2012 and Appeal No.35 of 2012 and in the alternative that the matter be remanded back to the School Tribunal for a denovo consideration of the Appeals. The circumstances on the basis of which the said relief is sought is the sanction now accorded to certain posts by the Deputy Director of Education. It is the case of

the Petitioners that since the Appeals have been dismissed on the ground that there was no sanction accorded by the Deputy Director to the appointment of the Petitioners. In view of the sanction now accorded the said ground no more remains. It is therefore the contention of the Petitioners that the judgment and order passed by the School Tribunal be set aside or the matter be remanded back to the School Tribunal for a denovo consideration of the Appeals.

2 However, a reading of the impugned orders passed by the School Tribunal discloses that the fact that the post was not sanctioned is not the only ground on which the Petitioners Appeals have been dismissed, but the dismissal of the Appeals is also on the ground that the Petitioners were appointed allegedly in excess of the quota meant for the OBC. Hence at this stage, the relief sought by the Petitioners by way of the above Civil Applications cannot be acceded to. However, it would be open for the Petitioners to raise the contentions that they are now seeking to raise in the above Civil Application at the hearing of the above Petitions.

3 With the aforesaid observations, the Civil Applications are rejected.

[R.M.SAVANT, J]