IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO1166 OF 2015

(Shri Vinod Pandurang Ghodeswar vs. The Deputy Director of Vocational Education and Training and others)

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

Shri H.A. Deshpande, Advocate for petitioner.
Smt. K.R. Deshpande, Assistant Government Pleader for respondent nos.1 and 2.
Shri A.A. Naik, Advocate for respondent nos.3 and 4.

CORAM : B.P. DHARMADHIKARI AND P.N. DESHMUKH, JJ.

DATED : AUGUST 26, 2015

Adv. Deshpande for petitioner points out that learned Single Judge of this Court while disposing of Writ Petition No.265/2007 filed by one Sanjay Pachghare had seen to it that long service put in by the said petitioner, i.e. of about 11 years is protected. Accordingly, Sanjay Pachghare was directed to be reinstated notionally for his absorption

in some other School. Thus, in the light of these directions, it was not necessary for Education Department to cancel the approval given to the present petitioner and, therefore, the impugned orders dated 21/1/2015 are unsustainable. He submits that respondent no.1 Deputy Director has filed reply-affidavit and with it, copy of order dated 18/3/2015 recalling both these orders dated 21/1/2015 is also annexed. He further points out that however, the impugned orders have been recalled because of interim directions of this Court in the present petition.

Smt. Deshpande, learned Assistant Government Pleader for respondent nos.1 and 2, relies upon reply-affidavit and states that cancellation of the impugned orders has been ordered after perusing judgment dated 21/11/2014 in Writ Petition No.265/2007 and also interim directions in the present petition.

Adv. Naik appearing for respondent nos.3 and 4 states that employee Shri Pachghare has already been given notional reinstatement and has been absorbed in employment of Bhartiya Vidya

Mandir and Junior College, Kumbha, Tahsil Maregaon, District Yavatmal. He invites our attention to documents filed as Annexure II collectively with reply-affidavit of respondent nos.3 and 4. According to him, as such there is no reason now to cancel the approval given to the present petitioner.

After hearing respective Counsel for the parties and after having perused the judgment delivered by learned Single Judge on 21/11/2014 in Writ Petition No.265/2007, we are satisfied that it was not necessary for respondent no.1 to cancel the approval given to present petitioner. However, in the light of later developments, it is apparent that as Shri Sanjay Pachghare has been notionally reinstated and has joined the other School, namely, Bhartiya Vidya Mandir and Junior College, Kumbha, Tahsil Maregaon, District Yavatmal on 10/7/2015, the exercise has become irrelevant.

As such, we find that both orders dated 21/1/2015 at Annexures `D' and `E' to the present petition are unsustainable. The same are accordingly quashed and set aside. The petition is thus partly

allowed and disposed of. No costs.

JUDGE JUDGE

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