

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2391/2014

(AHFAZ AHMED IFTEKHAR AHMAD SIDDIQUI **VERSUS** STATE OF MAHARASHTRA &
OTHERS)

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

Court's or Judge's orders

Shri A.C. Dharmadhikari, counsel for the petitioner.
Shri N.R. Patil, A.G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : JULY 1, 2015.

By this petition, the petitioner impugns the order of the Deputy Director of Education dated 14.08.2013 cancelling the approval to the appointment of the petitioner.

The petitioner claims to have been appointed as an Instructor in Electronics Technology to teach the junior college classes on 01.08.2007. According to the petitioner, the appointment of the petitioner was made after following the due procedure prescribed by law. The education authorities granted provisional approval to the appointment of the petitioner on 30.03.2008 and regular approval on completion of two years service. The order granting approval was cancelled by an order dated 06.08.2011. The said order was challenged by the petitioner in Writ Petition No.3568 of 2012. Since the petitioner was not heard by the Deputy Director of Education before cancelling the approval, this Court directed the Deputy Director of Education to re-decide the matter after quashing the order of cancellation of the approval. By the impugned order dated 14.08.2013, the Deputy Director of Education has cancelled the approval of the petitioner. The petitioner has challenged the order of cancellation of approval in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondent no.2, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. It appears that in the approval order of the petitioner dated 30.03.2008, a condition that the approval could be cancelled if the appointment of the petitioner is found disputed, was incorporated. It appears from the affidavit-in-reply of the respondent no.2 that the petitioner was appointed on the post held by Shri Maqsood Ahmed Sheikh Murtaza. According to the respondent no.2, though Shri Maqsood Ahmed Sheikh Murtaza was appointed on the post of Full Time Instructor (Electronics Technology), the chairman of the new management removed him and Shri Maqsood Ahmed Sheikh Murtaza had filed a writ petition challenging the action. It appears that the dispute in regard to the removal of Shri Maqsood Ahmed Sheikh Murtaza is still pending before the Hon'ble Supreme Court and, hence, the Deputy Director of Education has cancelled the approval of the petitioner. We do not find any illegality in the order of the Deputy Director of Education. The Deputy Director of Education has rightly cancelled the approval of the petitioner as the case in regard to the wrongful removal of Shri Maqsood Ahmed Sheikh Murtaza, who was holding the said post, is still pending.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs. The Education Authorities as well as the parties concerned are, however, free to take appropriate steps after the *lis* in the case of Shri Maqsood Ahmed Sheikh Murtaza attains finality.

Order accordingly.

JUDGE

JUDGE