

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD.****WRIT PETITION NO. 1049 OF 2006****UJWALA MURLIDHARRAO DESHMUKH. ..PETITIONER.****VERSUS****THE STATE OF MAH & ORS.****..RESPONDENTS.**

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Advocate for Petitioner : Mrs.Rasal Asha Sanjay.
AGP for Respondents/State: Mr.A.V. Deshmukh.
Advocate for Respondents : Mr.A.R. Nikam for R/6,
Mr.Adate, Advocate h/f Mr.S.S. Tope for R/4.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: 15th FEBRUARY, 2016.****PER COURT :-**

1. This petition has been filed seeking directions to respondents No.2 and 3 to allow the petitioner to appear for second year D.Ed. Examination in the subject in which she has failed. There is further prayer seeking directions to respondent No.5 to continue the petitioner in service till she exhausts all her legitimate attempts for passing the postal D.Ed. Course.

2. Learned Counsel for petitioner submits that, it is true that the admission of the petitioner for D.Ed. Course was cancelled by respondent No.2. However, the said decision was challenged by the petitioner by way of filing Writ Petition No.688 of 2006. In the said writ petition, by way of ad interim relief, this Court directed to maintain status quo. However, the said petition was subsequently dismissed. The learned Counsel for the petitioner also invited our attention to the fact that, in the present petition, on 13th October, 2006 while issuing notice to the respondents, this Court granted ad interim relief in terms of prayer clause (D). Therefore, respondents, in adherence to the ad interim relief granted by this Court, ought to have allowed the petitioner to appear for second year examination of postal D.Ed. Course. Therefore, she submits that the petition deserves to be allowed.

3. On the other hand, learned AGP appearing for respondents / State and learned Counsel appearing for respondent No.6 jointly submit that admission of the petitioner was cancelled in the month of January, 2006 and said decision of the respondents to cancel admission for the

D.Ed. Course has attained finality inasmuch as, Writ Petition No.688 of 2006 filed by the petitioner came to be dismissed and therefore, on the basis of the ad interim relief granted by this Court while issuing notice in this petition, the respondents were not able to allow the petitioner to appear for second year postal D.Ed. Course examination.

4. We have considered the submissions of the learned Counsel for the parties, with their able assistance, perused the pleadings in the petition, annexures thereto, interse communication between Counsel for respondent No.6 and the Commissioner, Maharashtra State Examination Council, Pune. Admittedly, admission of the petitioner for postal D.Ed. Course was cancelled in the month of January, 2006 and writ petition challenging the said decision of the respondent No.2 came to be dismissed.

5. In that view of the matter, said decision canceling admission of the petitioner to postal D.Ed. Course attained finality. It is true that, by way of ad interim relief, this Court on 13th October, 2006 directed the respondents to allow the petitioner to appear for second year D.Ed. Course

examination. However, in view of the fact that the admission of the petitioner itself was cancelled in the month of January, 2006 and the said decision has attained finality, in our opinion, this petition deserves no further consideration.

Hence, the petition stands rejected.

(P.R. BORA, J.)

(S.S. SHINDE, J.)