

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14477 OF 2015
IN
WRIT PETITION NO.1624 OF 2001

GOPALPRASAD BALAPRASAD AWASTHI

APPLICANT

VERSUS

SECRETARY, DAYANAND SHIKSHAN PRASARAK
MANDAL AND OTHERS

RESPONDENTS

Mr.S.V.Warad, Advocate for the applicant.

Mr.V.S.Badakh, AGP for respondent Nos. 2, 4 and 5.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/01/2016

PER COURT :

1. The applicant/original petitioner, who has suffered the order of the School Tribunal of dismissing his appeal, prays in this application that the order passed by this Court dated 08/07/2015 in Writ Petition No.1624/2001 be recalled and the petition be restored. Contention is that the benefit of Rule 26 of the M.E.P.S.Rules 1981, for granting the status of a surplus teacher, has not been extended to the applicant despite the directions of this Court.

2. I have considered the submissions of the learned Advocates. It is not in dispute that the applicant is terminated and is not in the

employment of the respondent.

3. This Court, after hearing the applicant/petitioner and after been informed that a representation of the applicant for seeking benefit of Rule 26 was pending before original respondent No.2, it was directed by order dated 08/07/2015 that respondent No.2 shall consider the representation of the petitioner dated 01/09/2014 in relation to Rule 26 and deliver a decision on the said representation within 10 (ten) weeks. It was also recorded that in the event the petitioner is aggrieved by the decision of respondent No.2, he may opt for available legal remedies.

4. It is not in dispute that the representation of the applicant dated 01/09/2014 has been decided by respondent No.2, as directed. The order of this Court dated 08/07/2015 has therefore been complied with.

5. By this application, the applicant prays for recalling the order dated 08/07/2015 after it has been complied with. This application is, therefore, vexatious and does not deserve to be entertained. Nevertheless, this Court has granted liberty to the applicant in paragraph No.9 of the order dated 08/07/2015 to challenge the

decision of respondent No.2 if he is aggrieved by resorting to available legal remedies.

6. In my view, instead of challenging the order of respondent No.2, the applicant has moved this application for recalling the order passed by this Court dated 08/07/2015 after it has been complied with.

7. Civil application is, therefore, rejected.

(RAVINDRA V. GHUGE, J.)