

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

WRIT PETITION NO. 1051/2016

(VIDYA PRABODHINI SHIKSHAN PRASARAK MANDAL, WADNERGANGAI **VERSUS** GOVERNMENT OF
 MAHARASHTRA & ANOTHER)

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

Court's or Judge's orders

 Shri K.P. Mahalle, counsel for the petitioner.
 Shri N.R. Patil, A.G.P. for the R-1.
 Shri V.G. Palshikar, counsel for the R-2.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : APRIL 11, 2016.

By this petition, the petitioner challenges the order of issuance of notice to the petitioner-Society.

By an order dated 04.08.2015, the Deputy Director of Education dismissed the complaint filed by the respondent no.2 against the petitioner-Society in respect of the alleged illegal appointments. The order of the Deputy Director of Education, dated 04.08.2015 was challenged by the respondent no.2 before the State Government in an appeal bearing Appeal No.257 of 2015. In the said proceedings, a notice was served on the petitioner-Society asking to show cause against the appointments made. The action on the part of the State Government of issuing the show cause notice in the appeal that was filed by the respondent no.2 is challenged by the petitioner-Society in this writ petition on the ground that the State Government does not have the jurisdiction to entertain and decide the appeal. According to the petitioner-Society, the order of the Deputy Director of Education cannot be assailed before the State Government.

This Court had, while issuing notices to the respondents in this writ petition, stayed further proceedings in the appeal filed by the respondent no.2 before the State Government.

Shri Palshikar, the learned counsel for the respondent no.2, admits that it was not correct on the part of the respondent no.2 to have filed an appeal before the State Government against the order of the Deputy Director of Education. It is stated that the respondent no.2 has realized his mistake and the respondent no.2 would challenge the order of the Deputy Director of Education in appropriate proceedings. It is stated that the writ petition could be disposed of in view of the aforesaid statement as the respondent no.2 would withdraw the appeal filed before the State Government.

The request made on behalf of the respondent no.2 is just and reasonable.

Hence, by accepting the statement made by the learned counsel for the respondent no.2 that the appeal would be withdrawn by the respondent no.2 within a period of fifteen days, which would be binding on the respondent no.2, we dispose of the writ petition with no order as to costs.

With the disposal of the writ petition, Civil Application (W) No.838 of 2016 stands disposed of.

JUDGE

JUDGE

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