

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

39 WRIT PETITION NO. 4181 OF 2005

SANJAY RAKHMAJI PHAD
VERSUS
STATE OF MAH & ORS

...

Advocate for Petitioner : Mr. S.R. Shirsat h/f. Santosh S. Jadhavar

AGP for Respondents: Mrs. A.V. Gondhalekar

Advocate for Respondents : Mr. S.S. Pawar for R/5 and 6.

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 21.08.2017

P.C. :-

1. The petitioner assails the order cancelling his individual approval and cancellation of his admission to the Postal D.Ed Course.

2. We have heard the learned counsel for the petitioner. Mr. Pawar, the learned counsel submits that since 2005 the petitioner has not attended the school and is not in service with respondent nos. 5 and 6.

3. In the present matter, we are not concerned with the said aspect, if the petitioner is not in service or otherwise the parties have remedies available at their disposal, the same cannot be a subject matter of consideration in the present writ petition.

4. We are only concerned with the order rejecting the admission

to the Postal D.Ed course with retrospective effect. This Court in writ petition no. 610/2006 with connected writ petitions under judgment and order dated 07.12.2010 has in similar set of facts set aside the said order.

5. For the reasons recorded in the order dated 07.12.2010 in writ petition no. 610/2006, the impugned order cancelling the admission of the petitioner to the Postal D.Ed course is also set aside. Rule made absolute in above terms. No costs.

6. Needles to state that till the petitioner has worked with the respondents, consequences would follow.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]