

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

WRIT PETITION NO.10556 OF 2016

Jitendra s/o. Nawal Gangurde,
Age : 40 years, Occ. Service,
r/o. Kudashi, Tq. Sakri,
Dist. Dhule

..Petitioner

Vs.

The State of Maharashtra,
Through its Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai - 32
and others

..Respondents

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Mr.V.G.Salgare, Advocate for petitioner
Mr.A.S.Shinde, AGP for respondent nos.1 to 3 and 5
Mr.M.M.Joshi, Advocate for respondent nos.6 and 7
Mr.S.S.Deshmukh, Advocate for respondent no.8

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**CORAM : T.V. NALWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 22, 2017**

ORDER :

Heard.

2. The learned AGP tenders across the Bar a copy of Circular dated 22.12.2016 issued by the Commissioner of Education. It shows that for the

grievance raised by the petitioner in this petition, there is a provision of filing an appeal before the Deputy Director of Education.

3. In view of the provision of appeal before the Deputy Director of Education, this Court holds that it is not desirable to use extra-ordinary jurisdiction.

4. In view of the afore-mentioned Circular, the learned Counsel for the petitioner, on instructions, submits that the petitioner wants to approach the Deputy Director of Education and therefore, he may be permitted to withdraw the instant Writ Petition. He prays for continuation of the order of status-quo passed by this Court on 18.10.2016. As the Circular dated 22.12.2016 came to be issued after filing of the present Writ Petition, in our view, such prayer needs to be granted.

5. The Writ Petition stands disposed of as withdrawn. The order of status-quo passed by this Court on 18.10.2016, shall continue for a period of fifteen days from today, so as to enable the petitioner to approach the Deputy Director of Education and file an appeal.

6. The petitioner will be at liberty to approach this Court, if the concerned Forum does not decide the appeal within fifteen days upon its presentation.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp