

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

WRIT PETITION NO.11101 OF 2016

Madhukar s/o. Keshavrao Patil,
Age — 51 years, Occ. Service,
r/o. Prakash Nagar, Latur,
Tq. and Dist. Latur ..Petitioner

Vs.

The State of Maharashtra,
Through the Secretary,
School Education Department,
Mantralaya,
Mumbai — 32
and ors. ..Respondents

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Mr.M.P.Tripathi, Advocate for petitioner
Mr.S.B.Joshi, AGP for respondent nos.1 and 2
Mr.U.B.Bondar, Advocate for respondent no.3

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

ORDER :

Heard.

2. The learned AGP tenders across the Bar a copy of the Circular dated 22.12.2016 issued by the Commissioner of Education. It is with regard to the declaration of surplus teachers.

3. The learned Counsel for the petitioner is placing reliance on the Government Resolution dated 28.08.2012. He submits that due to this Government Resolution, handicapped teachers need to be excluded from every such process.

4. In view of the Government Resolution dated 22.12.2016, this Court holds that every aspect of the present Writ Petition can be considered by the Deputy Director of Education in appeal provided as per the Circular dated 22.12.2016.

5. The learned Counsel for the petitioner, on instructions, submits that the petitioner wants to approach the Deputy Director of Education by filing appeal and therefore, he may be permitted to withdraw the present Writ Petition. He also prays for continuation of the status-quo granted by this Court on 22.11.2016.

6. The Writ Petition stands disposed of as withdrawn. The order of status granted by this Court on 22.11.2016, shall remain in force 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.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp