

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13071 OF 2016

Dattatraya Shankar Adsul	...Petitioner
vs.	
Deputy Director of Education, Pune & Ors.	...Respondents

Mr.S.S. Patwardhan for Petitioner.
Ms.K.R. Kulkarni, AGP for Respondent Nos.1 and 2.
Mr.Sagar Mane i/b. Mandar G. Bagkar for Respondent No.3.
Mr.Vijaysingh Annasaheb Babar, Secretary present.

CORAM : PRASANNA B. VARALE, J.

DATE : 21 AUGUST 2017

P.C. :

Heard learned Counsel for the Petitioner, learned AGP for State and learned Counsel appearing for Respondent No.3.

2 Perused the order of this court dated 8 August 2017. My attention was also invited to the order initially passed by the Education Officer (Secondary). On hearing the parties, it was the conclusion arrived by the Education Officer that considering the staffing pattern for the year 2013 and 2014, the Petitioner cannot be held as a surplus teacher. The then order passed by the Deputy Director on 30 August 2016 states that Smt.Galve Swati is appointed in the category of OBC candidates as there is a requirement of one lady teacher whereas the Petitioner Adsul was declared as a surplus teacher. This court by order dated 8 August 2017 found that the finding of the Deputy Director of Education was not in consonance with the material and more particularly, in view of the staffing patten. Time was

sought for at the request of AGP as well as Respondent Nos.3 and 4.

3 Today, Learned AGP places on record copy of the communication dated 19 August 2017. Same is taken on record, marked "X" for identification. The President/Head Master by the communication dated 19 August 2017 directs Respondent No.4 to permit the Petitioner to join his duties immediately and submit the report of compliance.

4 Learned Counsel appearing for Respondent No.3 submits that in compliance of the communication dated 19 August 2017, the Petitioner is permitted to join the duties.

5 In view of the above referred facts, no further orders are required to be passed in the petition insofar as the order of the Deputy Director, Pune dated 30 August 2016 is concerned, Clause (2) in respect of the Petitioner is set aside. It is submitted that Smt. Galve Swati filed a another petition. As Clause (1) of the order passed by the Deputy Director of Education, Pune dated 30 August 2016 was not the subject matter for consideration before this court, Clause (1) is not considered on merits or otherwise by this court.

6 The petition is disposed of in above terms.

7 Mr.Vijaysingh Annasaheb Babar, Secretary is present in court.

(PRASANNA B. VARALE, J.)

