

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5786/2017

Sanjay Jagannath Savade

...Versus...

The Education Officer, (Secondary), Zilla Parishad, Buldhana, Distt. Buldhana
and others

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

Court's or Judge's orders

Shri S.M. Vaishnav, Advocate for petitioner
Mrs. A.R. Kulkarni, AGP for respondent no.1

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE : 18.09.2017

1. The approval granted on 29/4/2011 has been cancelled by Education Officer on 22/7/2016. This Court has, in Writ Petition No.3057/2017 and other connected matters, taken a view that such order of recall is not maintainable. Government itself has on 23/8/2017 taken out the Government Resolution and pointed out that such power is with Deputy Director of Education.
2. Learned Assistant Government Pleader has pointed out that as yet notices are not issued.
3. However, in petition, there is a statement that after order cancelling approval, an appeal in terms of Secondary School Code has been preferred with Deputy Director of Education and is pending.

4. Learned Assistant Government Pleader has invited our attention to the fact that said authority is not party to this petition.

5. We grant oral leave made by learned Counsel for petitioner and permit Deputy Director of Education to be added as party respondent no.4, subject to payment of costs of Rs.500/- (Rupees Five Hundred Only) to High Court Bar Association. If the costs are paid and receipt is shown within three days, Registry to permit amendment.

6. If amendment is carried out, the added respondent no.4 to decide appeal pending before him, as per law, in next three months.

7. With these directions and keeping all rival contentions open, we dispose of the writ petition. No costs.

JUDGE

JUDGE

Wadkar