

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

WRIT PETITION NO. 5451 OF 2015

Sudarshan Shikshan Sanstha, Nanded
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Yuvraj V. Kakade, Advocate for Petitioners.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1, 3 and 4.
The Respondent No. 2 is served.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND MARCH, 2018.

FINAL ORDER :

. The petitioner assails the order dated 28.01.2015 thereby reducing one post on account of non absorption of a surplus candidate. Affidavit in reply is filed by the respondent No. 3/Education Officer. Para Nos. 3 to 5 of the said affidavit state as under :

"3. I say and submit that, the order impugned in this writ petition dated 28-1-2015 at Exh. G although was issued was not acted upon and the sanctioned posts of the petitioner no. 2 school was not reduced pursuant to the said impugned order.

4. I say and submit that, the teacher namely Subhash Baliram Maddewad who was appointed

without absorbing surplus candidate namely Motewar D. S., is till continued and therefore, the reason for which impugned order was passed was never given effect.

5. I therefore, submit that, considering the fact that the impugned order was never acted upon and the sanctioned posts of petitioner No. 2 school was never reduced based on the impugned order, for which reason the instant writ petition does not merit consideration."

2. In the light of the above, as the impugned order is not acted upon and it is not given effect, the grievance of the petitioners does not survive. The writ petition is disposed of. No costs.

[A. M. DHAVALA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 18