

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

23 WRIT PETITION NO. 5250 OF 2017

SUSHIL RANGNATH WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Biradar R.D.
AGP for Respondents 1, 2 and 6 : Mr. A.P.Basarkar
Advocate for Respondents 3 and 7 : Mr. Bondar U.B.

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JUNE 27, 2018

O R D E R :

This Court, on 20.4.2018 had observed that prima facie respondent no.3 Education Officer has flouted the order of this Court, dated 27.4.2016 in Writ Petition No. 8893 of 2015 and we had directed the Education Officer to remain present in the Court.

2. Pursuant to the said order, respondent no.3 Education Officer is present in the Court. Mr. Bondar, learned counsel submits that subsequently the Education Officer has corrected his mistake and has granted approval to the appointment of the petitioner as Shikshan Sevak for

a period of three years.

3. Mr. Bondar, learned counsel submits that affidavit is also filed by respondent no.3. In the affidavit, the Education Officer has clarified that the order dated 25.1.2017 impugned in the Writ Petition was inadvertently passed, for which he has tendered unconditional apology.

4. It was expected of the Education Officer to abide by the orders of this Court. However, considering the reason given in the affidavit and the apology tendered by him, we accept the apology and discharge respondent no.3. As the approval is granted, the purpose of Writ Petition also stands served. The affidavit filed by the Education Officer further states that if the management submits the proposal for continuation and permanent approval, same would be considered by the Education Officer on its own merits. In case, such proposal is sent by the management seeking permanent approval to the appointment of the petitioner, then the Education Officer shall consider the proposal on its own merits, in

accordance with law and policy and in that case the order, dated 9.3.2015 cancelling one post on account of non-absorption of the candidate would not be an impediment. The said order, dated 9.3.2015 cancelling one post on non-absorption of the candidate now does not survive.

5. Writ Petition accordingly disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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