

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

WRIT PETITION NO.9447 OF 2015

Yogesh Nimba Andhale

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.R. Barlinge, Advocate for petitioner

Mrs V.N. Patil Jadhav, A.G.P. for respondents no.1 and 2

Mr S.R. Syed, Advocate h/f Mr S.P. Brahme, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 3rd April 2018

PER COURT

1. Learned Advocate Mr Syed submits that the petitioner is not in service since the year 2013. Learned Advocate Mr Barlinge submits that the approval has been refused on erroneous grounds. The circular relied in the impugned judgment is not at all applicable.
2. The respondent relied on the judgment of this Court in case of **Arti Vithalrao Warkhede Vs. Education Officer (Secondary) & Ors.**, reported in **2011 (1) Mh.L.J. 638** to submit that if the termination order is challenged before the School Tribunal, the incidental aspect about approval can be considered.
3. In view of that the Writ Petition is disposed of with liberty to the petitioner to avail the alternate remedy, as permissible in law.
4. All points of respective parties are kept open. No costs.

(A.M. DHAVALA, J.)

(S.V. GANGAPURWALA, J.)