

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

**WRIT PETITION NO. 14865 OF 2017**

Balasaheb Sopan Niras

.. Petitioner

**Versus**

The State of Maharashtra and others

.. Respondents

Shri V. D. Sapkal, Advocate for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for Respondent Nos. 1 to 3.

Shri S. S. Gangakhedkar, Advocate for the Respondent No. 4.

Shri Shailesh P. Brahme, Advocate for the Respondent No. 5.

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

**DATE : 16TH JULY, 2018.**

**FINAL ORDER :**

. The petitioner assails the order dated 28.11.2017 passed by the Education Officer granting approval to the respondent No. 5.

2. We have heard the learned counsel for the respective parties.

3. The grievance of the petitioner is that, the Deputy Director of Education after conducting hearing had already submitted a report and held the petitioner eligible. Thereafter, subsequently Education Officer in defiance of the report of the Deputy Director

has passed the order. The Education Officer was well aware of the hearing conducted.

4. According to the respondent No. 5, the report of the Deputy Director has been challenged by the respondent No. 5 in the writ petition by filing civil application and the writ petition is admitted and the report of the Deputy Director is not final.

5. The learned A. G. P. submits that, the Education Officer has already cancelled the order impugned in the present writ petition.

6. As the order impugned in the present writ petition is cancelled and does not survive, we need not enter into the other aspects of the matter. The writ petition as such is disposed of. No costs.

**[SUNIL K. KOTWAL, J.]**

**[S. V. GANGAPURWALA, J.]**