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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (O) NO. 1122/2018

IN
M.C.A.(ST) NO.10089/2018 IN WRIT PETITION NO. 7358/2017 (D)
(Dharmapal Devidas Dheta vs. State of Maharashtra and others)

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

Court's or Judge's order

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Mr.I.G.Meshram,Adv.for applicant
Ms. H.N. Jaipurkar, AGP for respondent 1 to 4
Mr. U.S.Dupare,Adv.for respondent no.5

CORAM : **P.N. DESHMUKH &**

MRS.SWAPNA JOSHI, JJ.

DATED : 25th September, 2018.

CAO NO.1122/2018

Heard.

For the grounds mentioned in the Application, the delay of two days caused in filing Review Application is condoned. The Civil Application is allowed and disposed of.

MCA. (ST) NO. 10089/2018.

Heard Mr.Meshram, learned counsel for the applicant/petitioner; Ms. Jaipurkar, learned AGP for respondents 1 to 4 and Mr. U. S. Dupare, learned counsel for respondent no.5 -Management.

Review is sought of the order dated 26th March, 2018 by which the writ petition came to be dismissed.

We have perused the Application and the order passed in the petition dated 26.03.2018 and noted that while considering the same, this Court has considered the Government Resolution dated 13.10.2016, mainly relied on by the petitioner for his entitlement to upgradation in 25% graduate quota. This Court on considering the G.R. referred to above, had noted that the same can be applicable to the school where there are no less than three teachers in a middle school. Admittedly, the school where the petitioner is serving as a teacher for standards 6th to 8th had only two teachers. In this view of the matter, this Court found that G.R. dated 13.10.2016 cannot be made applicable in the present case, as the said GR provides that one out of three teachers in Middle School would be entitled for upgradation.

In the circumstances, there is no substance in the Miscellaneous Civil Application. The same is dismissed.

JUDGE

JUDGE