

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

**WRIT PETITION NO. 193 OF 2015
WITH
CA/8315/18 IN WP/193/15**

Shri Balaji Typewriting Institute, Kada ..PETITIONER

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. A.N. Nagargoje, Advocate for petitioner

Mr. S.D. Ghayal, A.G.P. for respondent nos. 1 to 3

Mr. N.K. Tungar, Advocate for respondent no.4

Mr. S.G. Chapalgaonkar, Advocate for respondent nos. 5 and 6

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**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.
DATED : 20th JUNE, 2019**

PER COURT :

Petition was heard extensively by us. The record was produced before this Court in response to order of Division Bench dated 13th March, 2019.

2. Our attention was invited by learned A.G.P. to the documents in the record and also reference of the documents in the petition and affidavit-in-reply. The screening committee constituted for consideration of the proposals for opening of new typewriting institutions in its minutes of meeting referred to a letter submitted by petitioner. The affidavit-in-reply

filed on behalf of Respondent No.4 takes a stand that petitioner was an employee working with Respondent No.4 for sometime as an instructor. The screening committee refers to a letter submitted by petitioner withdrawing his claim. The screening committee, in view of letter submitted by petitioner, reconsidered the proposal. Now this very letter is heavily criticized by learned Counsel for petitioner, submitting before us that such letter had never been submitted by petitioner to screening committee.

3. Now there are two divergent sets of facts and these facts are disputed questions of facts. This Court, while exercising its powers under Article 226 of Constitution of India, can certainly not extend the scope so as to deal with the disputed questions of facts raised before this Court. There are other disputed questions of facts also submitted and countered by the parties, as such Court cannot entertain the petition. On this ground itself the petition is dismissed.

4. In view of dismissal of petition, no order is required to be passed in pending application. Civil application, therefore, is disposed of.

(R.G. AVACHAT, J.)

(P.B. VARALE, J.)

SSD