

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

966 CIVIL APPLICATION NO.8344 OF 2016
IN
WP/2755/2008

MOHD RIYAZODDIN NIJAMUDDIN QURESHI
VERSUS
VIJAY TOLARAM PAWAR AND OTHERS

.....

Mr. P.R.Katneshwarkar, Advocate for applicant.
Mr. S.K.Tambe, AGP for R – 2.
Mr. A.S.Deshpande, Advocate for
petitioner in W.P.

.....

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

DATE : 25/01/2019

.....

ORAL ORDER:

. Learned counsel for applicant submits that the operative part of the order dated 16/07/2014 be modified. Twice the present non applicant No. 1 has failed in the D.Ed. examination. This Court had permitted him to appear for the postal D.Ed. course. Twice the applicant has appeared for examination but failed. Learned counsel for applicant submits that the original writ petitioner continued in service in such a manner.

2. Mr. Deshpande, learned counsel for non applicant No. 1 submits that the situation needs to be considered. Non applicant No. 1 was required to run from pillar to post for the compliance and till the last date of examination internal marks were not sent the same were not seen and it is in that state of affairs the non applicant was to give examination. The non applicant was also not paid salary.

3. Whatever may be the reasons, it is high time for the non applicant No. 1 to take steps to either pass the examination or else to exit the service. We had considered the facts of the case existing then and granted opportunity to the non applicant to appear for postal D.Ed. examination and also directed to condone the deficit, if any. It is submitted that twice thereafter the non applicant has appeared for examination and has failed. We can not fathom such a situation in the school.

4. By way of indulgence we are inclined to grant one more opportunity to non applicant No. 1. Non applicant No. 1 may appear for the examination to be held in summer of 2019. If non applicant No. 1 does not pass the postal D.Ed. examination in summer of 2019, then the applicant will have right to take steps for terminating the services of non applicant No. 1.

5. Whatever compliances are required to be made by either of the parties for allowing non applicant No. 1 to appear for the examination of postal D.Ed., shall be made by the respective parties within the time frame.

6. With this clarification, civil application stands disposed of.

[A.M.DHAVALI]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

KNP.