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

6 WRIT PETITION NO.3025 OF 2018

**VIJAY SHIVAJIRAO TEKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr S. R. Kedar, Advocate for petitioner;
Mr S. B. Yawalkar, A.G.P. for respondent No.1;
Mr B. A. Shinde, Advocate for respondent No.2;
Mr Y. V. Kakade, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 23rd August, 2021

PER COURT:

1. We have extensively heard the learned Counsel for the petitioner and on behalf of the respondents. Since we expressed our disinclination after considering the record before us, the learned Counsel for the petitioner submits on instructions, that the petitioner is desirous of withdrawing this petition.

2. We find that the seniority list dated 20/09/2017 placed before us at page No.62, is being viewed by the petitioner for the first time. The record as is available with us does not indicate that he was made aware of the said seniority list. No doubt, he has signed on the seniority list dated 15/01/2021 at Sr. No.5 and has

(2)

not raised any grievance about the same. The learned Counsel for the petitioner submits that this petition was pending since 2018 and though he has signed on the seniority list dated 15/01/2021, he can challenge the seniority list as objections were not called for when his signature was taken on the seniority list dated 15/01/2021.

3. In view of the above and without laying down a precedent, we are permitting the petitioner to challenge the seniority list dated 20/09/2017.

4. As such, this petition is disposed off, as withdrawn.

5. Liberty to the petitioner to challenge the seniority list dated 20/09/2017, is granted. However, it is made clear that if the record indicates that after 2017 and prior to the seniority list dated 15/01/2021, the petitioner was aware of the said seniority list, the Education Officer would be at liberty to reject his challenge to the seniority list dated 20/09/2017.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk