

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Writ Petition No. 6556/2019**

Ku. Preeti Jaywant Dhait

...Petitioner

**Versus**

Deputy Director of Education and ors.

...Respondents

Shri P.N. Shende, Advocate for the Petitioner

Shri Amit Madiwale, AGP for the Respondent Nos. 1 and 2 - State

Shri R.M. Vaidya h/f. Shri Anand Parchure, Advocates for the Respondent  
No. 3

**CORAM : NITIN JAMDAR AND  
ANIL S. KILOR, JJ.**

**DATED : 03 MARCH 2021**

**P.C.:**

The Petitioner has challenged the Order of Absorption dated 01 December 2018. One of the main contentions raised by the Petitioner is that the Order of Absorption refers to the Petitioner as teaching in 6<sup>th</sup> to 8<sup>th</sup> Standards and, therefore, when the Petitioner was teaching in 5<sup>th</sup> Standard and, therefore, the order rendering the Petitioner surplus is bad in law.

2. Reply affidavit is filed, wherein the Respondent – Management has placed on record the Order dated 28 July 2016 declaring the Petitioner as surplus. In this order, there is a clear reference that the Petitioner was teaching in 5<sup>th</sup> Standard and why absorption in 6<sup>th</sup> to 8<sup>th</sup>

Standards is necessary. This communication is addressed to the Petitioner yet not annexed to the Petition. When it was expressed that not annexing such an important document would amount to suppression, the learned Counsel for the Petitioner seeks leave to withdraw the Petition and states that the Order dated 28 July 2016 will be challenged by way of separate Petition.

3.           Though, we grant liberty, we make it clear that if such a challenge is raised, this liberty is not to be construed as commenting on the aspect of delay that would arise.

4.           The Writ Petition is accordingly disposed of as withdrawn, with liberty as above.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]