

(1)

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

12 WRIT PETITION NO.3881 OF 2021

ANSARI AHMED RAZA IQBAL AHMED
VERSUS
THE STATE OF MAHARASHTRA, THR. SECRETARY AND
OTHERS

....

Mr M. R. Wagh, Advocate for petitioner;
Mr S. R. Yadav, A.G.P. for respondent Nos.1 to 3
Mr P. G. Tambade, Advocate h/f Mr S. S. Jadhavar, Advocate for
respondent No.5

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

DATE : 2nd May, 2022

PER COURT:

1. On 28/04/2022, after hearing the submissions of the learned Advocates for the petitioner and the employer/Management, we had disposed off the petition with a speaking order and we had recorded in paragraph Nos.6(a) and (b) of the order dictated in open Court, as under :-

6. In view of the above, we dispose of this petition with the following directions :-

[a] If the proposal forwarded by respondent No.5 is received by respondent No.2, the said Education Officer shall follow the due procedure laid down in Law and by abiding with the rules and regulations applicable, shall decide the said proposal within a period of 60 days from today.

(2)

[b] If the Education Officer notices from his records on or before 10.05.2022 that no such proposal has been received by his Office, we direct respondent No.5 to forward the proposal upon intimation from the Education Officer, as expeditiously as possible in any case on or before 25.05.2022. In the event of this contingency, the Education Officer would then decide the said proposal within 45 days from the receipt of proposal.”

2. We had not yet signed the aforesaid order as it was being typed out. Before we could sign it, a motion was moved by respondent No.5, stating therein that, though the petitioner is continued in employment, his approval is not granted and by a communication dated 08/12/2021, issued by the Education Officer (Secondary), Pay and P.F., Dhule, the salary bills are returned and no payment is made. The learned Advocate frankly submits that, he did not have the knowledge of this development, when this Court passed an order on 28/04/2022.

3. The learned Advocate for the petitioner submits on instructions, that the petitioner be permitted to withdraw this petition, so as to file a fresh petition in the same cause, as well as assail the refusal by the Education Officer (Secondary), in granting pay-bills, vide communication dated 08/12/2021.

(3)

4. In view of the above, this petition is disposed off, as withdrawn, with liberty as is prayed for. All contentions are kept open.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

sjk