

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

905 WRIT PETITION NO.6364 OF 2022

**DEVCHAND BASANDAS SABLE
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Petitioners : Mr. Ravi Gite h/f. Mr. Amol Deshpande
AGP for Respondent/State : Mr. S.G. Sangle
...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : AUGUST 18, 2022.

PER COURT :

1. The learned advocate for the petitioner submits, on instructions, that the petitioner desires to withdraw this petition.
2. On 25th July, 2022, after considering the submissions of the learned advocate for the petitioner, we have passed the following order :-

"1. The Petitioner is aggrieved by the act of a private education society of placing the Petitioner on a supernumerary post by an office order dated 30.04.2022. The said authority would not be within the meaning of Article 12 of the Constitution of India.

2. The Petitioner has put-forth prayer clause 1, as under-

"1. Quash and set aside impugned order dated 30/4/2022 passed by respondent no.3/president of Appaswami Shikshan Sanstha, Shendurjana (Adhao), tq Manora Dist. Washim at Annexure-10 and direct the respondents 2 to 4 to continue the

petitioner on Asst. Teacher and pay the salary regularly.”

3. The Petitioner concedes that he was appointed on 27.01.1993 as a secondary teacher on a post reserved for the Scheduled Tribe category. He claims that he belongs to the Naikada caste which is a Scheduled Tribe. His proposal was forwarded for validation and the same was invalidated by order dated 11.04.2005. The Petitioner has not challenged the order of invalidation of his claim of belonging to the Naikada caste – Scheduled Tribe.

4. On the basis of Government Resolution dated 15.06.1995, the Petitioner applied for the caste certificate of 'Mathura Labhan' recognised as VJ(A) on 07.10.2005. He received a Validity Certificate on 03.04.2018. The Management, by passing a Resolution dated 01.07.2019 accepted the Validity Certificate and continued the services of the Petitioner. However, his entry on the post reserved for the Scheduled Tribe category has not been officially approved by the Education Department or any competent authority so as to convert it into VJ(A) category. No approval from the Education Department is placed on record. However, he claims that the Education Officer has approved his appointment by converting the reservation from Scheduled Tribe category to VJ(A) category.

5. We list this Petition in the passing orders category on 28.07.2022 to enable the Petitioner to produce the said approval order. Needless to state, if the said approval order is not produced, this Petition will have to be dismissed.”

3. We had not granted any interim protection to the petitioner in the light of the above.

4. On 28th July, 2022, the learned advocate remained absent and sought an adjournment. On 10th August, 2022, again the learned advocate remained absent and sought an adjournment. Yet again on 11th August, 2022, the learned advocate for the petitioner remained absent and sought an adjournment.

5. Today, the petitioner desires to withdraw this petition.

6. Considering the above, we would have been justified in imposing costs upon the petitioner. However, we refrain from doing so.

7. This petition is, therefore, dismissed, as withdrawn. Needless to state, the cause of action set out in this petition is put to the rest.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/