

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

910 WRIT PETITION NO.6791 OF 2022

**AMOL BHAGWANRAO BAYAS AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...
Advocate for Petitioners : Mr. Shaikh M.A. Jahagirdar h/f. Mr. V.Y.
Patil

AGP for Respondent/State : Mr. S.G. Sangle

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

DATED : JULY 27, 2022.

PER COURT :

1. The petitioners have put forth prayer clauses 'B' and 'C' as
under :-

B) To quash and set aside the impugned
Government Resolution विभशा/२०२०/प्र.क्र.
६३०/विजाभजा —२ dated 23-03-2022 to the extent of
direction therein for absorption of the petitioners in
another Higher Secondary Ashram School within the
State, by issuing writ of certiorari or any other writ or
any other order;

C) Pending the hearing and final disposal of the
present Writ Petition, the respondents be directed not
to initiate any action relating to absorption of the
petitioners in any other Higher Secondary Ashram
Schools as per the impugned Government Resolution
विभशा/२०२०/प्र.क्र.६३०/विजाभजा —२ dated 23-03-
2022;

2. This petition was heard for quite some time. On perusing the
order dated 24.2.2022 delivered by this Court at the Principal Seat
in Writ Petition no. 4456/2022 filed by Vinayak Baburao Rajmane

and Ors. Vs. The State of Maharashtra and Ors., we noticed that in the said case, there was an approval dated 11.12.2019 in favour of the petitioners.

3. After carefully perusing the record before us, we realise that the appointment of these two petitioners were never approved. Infact, in an earlier round before this Court, a direction was issued that their case for approval may be considered on merits. It is conceded by the petitioners that the approval was turned down and, as on today, they have no approval. They have also not challenged the refusal of the approval.

4. The Government Resolution dated 23.3.2022 and more particularly, paragraph no. 3 would indicate that as there is an increase in the strength of teachers to be deployed in the Secondary Ashram School and Junior Ashram College, these two petitioners were granted approval as a one time measure and therefore, are juniors to the teachers who have been approved. They were liable to be declared surplus and the State decided to absorb them.

5. Considering the above position, we express our disinclination.

6. The learned advocate for the petitioners submits, on instructions, that the petitioners desire to withdraw this petition.

7. In view of the above, this petition is dismissed, as withdrawn.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]