

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8515 OF 2022

BALASAHEB SOPANRAO NIRAS AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.V.D.Sapkal, Sr.Counsel i/b Mr.S.R.Sapkal, Advocate for the
petitioners.

Mr.A.R.Kale, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 22, 2022

PER COURT :

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

"B. To quash and set aside the Government Resolution dated 18.04.2022 (Exhibit Q) issued by the Government of Maharashtra holding that it is contrary to the judgments of this Court, by issuing appropriate writ, order or direction in the nature of writ or as the case may be.

C. To quash and set aside the communication dated 19.07.2022 (Exhibit R) issued by the Education Officer (Secondary), Zilla Parishad, Parbhani by issuing appropriate writ, order or direction in the nature of writ or as the case may be."

2. The learned AGP places on record a judgment delivered by the learned Full Bench of this Court at Nagpur in **Dhiraj Manoharrao Chore Vs. State of Maharashtra [AIR 2020 Bombay 65]** wherein it has been concluded that the decisions delivered in Shobhu Shankar Chavan Versus the Headmaster, Maharashtra Vidyalaya Barshi District Solapur and others in WP No.5938/1998 and Sadanand Pandurang Mali Vs. Dy. Director of Education and other in WP No.7963/2012 stand overruled.

3. The learned Senior Advocate submits that this petition has been preferred in the light of the view in Shobhu Shankar Chavan and Sadanand Mali (supra) and other judgments of this Court which relied upon these 2 judgments. Since these judgments have been overruled by the learned Full Bench, the challenge posed in this petition would not stand the test of Law.

4. In view of the above, this petition is disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)