

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

WRIT PETITION NO.8005 OF 2023

- | | |
|---------------------------------|------------------------|
| 1. Balaji s/o Rajaram Samukhrao | |
| 2. Maroti s/o Kondba Sable | |
| 3. Rajesh s/o Ganpatrao Pawade | ... PETITIONERS |

VERSUS

- | | |
|--|------------------------|
| 1. The State of Maharashtra
through the Secretary, School
Education and Sport Department,
Mantralaya, Mumbai-32. | |
| 2. The Secretary,
Maharashtra Public Service Commission,
Mumbai-01. | |
| 3. The Commissioner (Education)
Maharashtra State, Central Building,
Pune-01 | |
| 4. The Deputy Director of Education,
Government of Maharashtra,
Commissionerate of Education,
Central Building, Pune-01 | ... RESPONDENTS |

...

Advocate for Petitioner : Mr. Kanade Angad Lala
AGP for Respondents/State : Mr. A.A. Jagatkar

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, J.J.**

DATE : 07.08.2023

PER COURT :

Heard both the sides.

2. The petitioners are before us being aggrieved by the fact that in spite of pendency of their substantive original applications before the Maharashtra Administrative Tribunal, they were not being granted interim relief so as to enable them to appear at the interview. It is pointed out that by the order dated 10.07.2023, the petitioners were permitted to appear at

the interview as was scheduled but their performance was directed to be subject to the outcome of the present petition. The parties are unanimous that since the petitioners' substantive rights are sub judice before the Administrative Tribunal in the form of the Original Application, their performance can be made subject to the final outcome of Original Application instead of keeping the present writ petition pending.

3. When the substantive proceeding in the form of Original Application No.422/2022 is already before the Administrative Tribunal, we dispose of the writ petition with a direction that the petitioners' performance at the interview shall be subject to the final outcome of the original application.

4. The writ petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)