

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 WRIT PETITION NO.1083 OF 2023

DHULAPPA VIRBHADRAPPA KALYANI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Advocate for Petitioner : Mr. R. D. Biradar
AGP for Respondents: Mr. V.M. Kagne

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 30th JANUARY, 2023.**

PER COURT :-

1. The petitioner is an employee terminated from service of respondent Nos. 4 and 5. His appeal, under the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977, challenging his termination, has been dismissed. He is before the learned Single Judge in a writ petition. He is out of employment. He submits that his termination and the appointment of respondent No.6, is not connected in any way.

2. The petitioner submits that he has filed this petition to challenge the appointment of respondent No.6. The ground for challenge is that respondent No.6 has played a fraud on the Education society and has secured his appointment. The Education Officer has fraudulently granted him the approval.

3. We would not entertain this petition for the reason that the appointment of respondent No.6, by respondent Nos. 4 and 5, is a subject matter of scrutiny by the Education Officer (Secondary). After considering the entire record, the Education Officer has granted approval to respondent No.6. It is not the case of the petitioner that he is personally aggrieved or there is personal injury caused to him. Such a petition in service jurisprudence ought not to be entertained for issuance of a Writ of Mandamus.

3. At this juncture, the learned advocate for the petitioner submits on instructions from the petitioner, who is present in the Court, that the petitioner desires to withdraw this petition. As such, this petition is disposed off as withdrawn.

4. We are not ordering costs, as the petitioner is unemployed since 2009.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/