



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.920/2024 IN W.P. NO. 4816/2021 (D)
(LATE SAHEBRAO BHISE SHIKSHAN SANSTHA, NAGPUR **VERSUS** SMT.ASHATAI MUDE
BAHUUDESHIYA SHIKSHAN PRASARAK MANDAL, NAGPUR & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R.D. Karode, counsel for the applicant.
Shri S.S. Hulke, Assistant Government Pleader for the non-applicant/State.

CORAM : NITIN W. SAMBRE AND M.W. CHANDWANI, JJ.

DATE : NOVEMBER 26, 2024

P. C.

The original respondent no.2 has moved this miscellaneous civil application for review of the order dated April 25, 2023.

2. Shri R.D. Karode, counsel appearing for the review applicant-original respondent no.2 would urge that since the writ petition was allowed and the Government Resolution was set aside, the Court should have remanded back the matter to the respondent-State Government for reconsideration of the issue in question.

3. Shri S.S. Hulke, Assistant Government Pleader appearing for the respondent-State would invite our attention to the observations in paragraph 5 of the order dated April 25, 2023, which read thus :-

“5. Thus, from the aforesaid it is clear that the enquiry that is required to be conducted by the Education Officer and Vigilance Section has not been undertaken. As a result, further process of hearing objections by the Deputy Director of Education has also not taken place. It is thus clear that the impugned Government Resolution has been issued without following the prescribed procedure and hence, for the aforesaid reason the Government Resolution dated 23.11.2021 is set aside. It would be open for the respondent nos.1 and 3 to re-consider the matter if a situation arises and in that contingency the respondent nos.2 and 3 would be free to rely upon the compromise.”

4. This Court while deciding Writ Petition No. 4816 of 2021 *vide* order dated April 25, 2023 has, in clear terms, made an observation that since the enquiry as was required to be conducted by the Education Officer and Vigilance Section was not undertaken, the hearing of objections by the Deputy Director of Education could not be conducted and therefore the Government Resolution which was the subject matter of challenge dated November 23, 2021 came to be set aside. This Court further observed that the respondent nos.1 and 3, if so desire, can re-consider the matter, if situation so arises. In case, if the respondent no.1 desired to re-consider the matter, the present applicant, the respondent no.2 therein, was granted liberty to place reliance on the compromise. With such directions, the Government Resolution dated November 23, 2021 was set aside. Once the Government Resolution was set aside and the liberty was granted to the respondent nos.1 and 3 to reconsider the matter, if situation so arises, there is no need to clarify or direct the remand.

5. As such, no apparent error can be noticed in the order dated April 25, 2023 passed in Writ Petition No. 4816 of 2021. Since the miscellaneous civil application lacks merit, the same stands dismissed as such.

(M.W. CHANDWANI, J.)

(NITIN W. SAMBRE, J.)

APTE