

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/LETTERS PATENT APPEAL NO. 334 of 2016****In****SPECIAL CIVIL APPLICATION NO. 491 of 2016**

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**VIVEKANAND VIKAS MANDAL****Versus****STATE OF GUJARAT**

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**Appearance:****MR VISHAL B MEHTA(5319) for the PETITIONER(s) No. 1****MS NISHA THAKOR AGP for the RESPONDENT(s) No. 1**

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE****and****HONOURABLE MR.JUSTICE BIREN VAISHNAV****Date : 30/11/2018****ORAL ORDER****(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE)**

Heard learned counsel for the appellant and learned Assistant Government Pleader for the respondent – State of Gujarat.

At this stage, learned counsel for the appellant has brought to our notice Government Resolution dated 16.04.2005 passed by the Department of Education, Government of Gujarat pertaining to guidelines issued for regularization of irregular appointments in non-Governmental secondary and higher secondary schools whereby earlier Government Resolutions dated 11.12.2001 and 10.05.2002 came to be cancelled so as to maintain uniformity.

That undisputed fact remains that appellant was granted benefits of Government Resolution dated 11.12.2011 and his services came to be regularized.

In view of the above, learned counsel for the appellant seeks permission to withdraw this appeal with a view to approach competent authority about applicability of Government Resolution dated 16.04.2005. If the appellant approaches the competent authority by filing a representation, the competent authority to decide the same in accordance with law. It is made clear that we have not entered into the merit of the appeal.

With the aforesaid, this appeal stands disposed of.

**(ANANT S. DAVE, ACJ)**

**(BIREN VAISHNAV, J)**

P. SUBRAHMANYAM