

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

WRIT PETITION NO. 613 OF 2014

Pandharinath Wamanrao Suwarnakar

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr P. G. Rodge, Advocate for the petitioner
Smt. S. G. Chincholkar, AGP for respondent/State
Mr S. S. Deshmukh, Advocate for respondent No. 6
.....

CORAM : **S. S. SHINDE &
M. T. JOSHI, JJ.**
DATE : **10th SEPTEMBER, 2015.**

PER COURT:

. Heard the learned Counsel appearing on behalf of the respective parties.

2. Perused the order passed by the appellate authority.

3. It appears that the appeal filed by the petitioner was allowed to be withdrawn on the statement made by the petitioner and the management that the dispute between the appellant and the management is settled amicably. We have perused the affidavit-in-reply filed on behalf of respondents No. 1 to 5 by District Social Welfare Officer, Zilla Parishad, Latur. It is stated in the said affidavit-in-reply that the answering respondent is not aware of such settlement between the appellant and the management. The another candidate is already

appointed on the vacant post, which is claimed by the petitioner herein. Upon perusal of the affidavit-in-reply filed by respondents No. 1 to 5, it appears that there is no vacant post now. However, learned Counsel for the petitioner submits that, in case this Court is not inclined to entertain the petition, the petitioner may be given liberty to present appeal afresh before the appellate authority.

4. Though we are not inclined to entertain the petition, we grant liberty to the petitioner to file appeal a afresh before the appellate authority. In case such appeal is filed by the petitioner, the appellate authority while considering the prayer for condonation of delay, shall keep in view the time spent by the petitioner for prosecuting the instant petition and decide the appeal on merits.

5. Petition stands disposed of accordingly.

[M. T. JOSHI, J.]

[S. S. SHINDE, J.]

sgp