

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13951 OF 2015  
IN WP/119/2013 WITH CP/471/2015 IN WP/119/2013

DR. MANISHA MANIKRAV PAWAR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr. Nikhil P. Dube  
AGP for Respondent Nos.1,2, 4 & 5 : Mr. M. B. Bharaswadkar.

**CORAM : S.S. SHINDE & A.M. BADAR,JJ.**  
**DATE : 30th October,2015.**

**PER COURT:**

1] Heard learned counsel for the applicants and learned AGP for the State. This civil application is filed with a prayer to permit the applicants to withdraw the amount of Rs. 89,89,226/- deposited in the Registry of this Court by the State Government as per the entitlement of the applicants, shown in Exhibit D of the civil application.

2] The prayer in the application is vehemently opposed by learned AGP on the ground that the State of Maharashtra has filed a Special Leave Petition before the Registry of the Supreme Court on 26.10.2015 ( Diary No. 35759 of 2015) and, therefore, the application may not be entertained. Learned AGP has tendered across bar a copy of the document showing status of the SLP filed by the State before the Honourable Supreme Court.

3] The State Government has deposited the amount, in pursuance to the directions given by this Court in W.P. No. 119/2013 on 28.2.2014. On that date, the writ petition was finally disposed of. It is submitted by the counsel for the applicants that the Joint Director, Higher Education,

Aurangabad, called the petitioners and thereafter amount is calculated and after approval the said amount is deposited in the Registry of this Court.

4] It appears that the directions are issued by this Court on 28.2.2014 by finally disposing of the writ petition. However, SLP is filed by the State in the year 2015. In that view of the matter, we are not inclined to accept the contention of the learned AGP that since SLP is filed on 26.10.2015, the civil application may not be entertained.

5] We direct that, on filing personal undertaking by each of the petitioners to the effect that in case the State of Maharashtra succeeds in the SLP filed by it before the Supreme Court they will refund the amount received by them and deposit the same in the Registry of this Court, the petitioners are permitted to withdraw the amount as per their entitlement, upon satisfying the Registrar (Judicial). It appears that in case of some of the petitioners, the LRs are claiming the amount, in that respect, Registrar (Judicial) to satisfy himself after enquiry about the entitlement and then only release the amount, on filing undertaking as mentioned hereinabove.

6] Civil application is allowed in above terms and disposed of. Parties to act upon authenticated copy of this order.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-