

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 4301 OF 2013**

VITTHAL ARJUNRAO BUDDHE

VERSUS

THE STATE OF MAH AND ORS

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Advocate for Petitioner : Mr. Gaikwad Anil M.

AGP for Respondent/State : Mr. V.H. Dighe

Advocate for Respondent no.3 : Mr. S.B. Ghatol Patil

Advocate for Respondent nos. 4, 5 and 7 : Mr. Ajinkya
Reddy h/f Mr. C. V. Telgaonkar

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.**Dated: September 03, 2015**

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PER COURT :-

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respective respondents. The learned counsel appearing for Respondent No.3 has tendered across bar affidavit in reply. Same is taken on record.

2. The learned counsel appearing for the petitioner submits that, the petitioner has prayed for re-absorption in Respondent No.5 – School. It is submitted that, in the year 2005 licence was renewed, therefore, the petitioner filed representation before in the year 2008 for his re-absorption in place of Respondent No.7. It is his submission that, earlier he was working as Care taker, and therefore, after licence is renewed in the year 2005, he should be absorbed

in Respondent No.5 – School. Therefore, the learned counsel appearing for the petitioner submits that, the prayer of the petitioner for re-absorption deserves consideration.

3. The learned counsel appearing for Respondent No.3 relying upon the affidavit in reply submits that, the petitioner has tendered resignation way back in the year 2003. There was enquiry and after enquiry, the action is taken on the resignation tendered by the petitioner.

4. We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respective respondents. With their able assistance, we have perused the pleadings in the Petition, annexes thereto and averments made in the affidavit in reply.

5. In the first place, we cannot countenance the delay of more than 3 years in filing the representation/application for re-absorption when the licence of Respondent No.5 – School is renewed in the year 2005. The said delay is not explained in the Petition. Apart from it, when Respondent No.3 has placed on record the affidavit stating therein that, the petitioner resigned way back in the year 2003 and after proper enquiry the said resignation was accepted, in our opinion, in first place, the petitioner has to take appropriate remedy so as to take exception to the resignation. Secondly, the petitioner's prayer made before the Authority is of belated stage and without placing any explanation of delay cannot be

considered in the year 2015.

6. For the aforesaid reasons, we do not find any substance in the Petition and hence Petition is dismissed. Dismissal of this Writ Petition is not an impediment to the petitioner to challenge the resignation before the appropriate Forum.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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