

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

WRIT PETITION NO. 11305 OF 2014

Smt. Aparna d/o. Gangadhar Puri
@ Aparna Sudam Gosavi

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

...
Mr. Sujeet D. Joshi, Advocate for the Petitioner
Mr. D.V.Tele, AGP for the Respondent – State
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**CORAM : S.S. SHINDE &
P.R.BORA, JJ.
DATE: 08.04.2015**

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PER COURT:-

1] This Petition takes an exception to the communication dated 04.10.2013 issued by the respondent No.3, and also to the Judgment and Order dated 1st December, 2014 passed by the Maharashtra Administrative Tribunal, Aurangabad in Original Application No. 655/2013.

2] The learned counsel appearing for the petitioner invited our attention to the para 11 of the Original Application and submits that, the averments in the said paragraph have not been considered by the Maharashtra Administrative Tribunal. In fact, it is the contention of the petitioner that, notice dated 15.02.2013 was never served upon the petitioner. It is submitted that, belated attempt of the respondent to issue such notice after one year and 10 months, cannot be countenanced and the respondents

were also required to act in accordance with the relevant Rules.

3] The affidavit-in-reply filed by the respondent is, on the point that, the petitioner did not receive notice. Therefore, the learned counsel appearing on behalf of petitioner relying on the pleadings in the Petition, grounds taken therein, and the Judgment of the Hon'ble Supreme Court in the case of **Basudeo Tiwary Vs. Sido Kanhu University and others**¹ submits that, the Petition deserves to be allowed.

4] He further submits that, if this Court is not convinced on legal aspects, the Court may cause indulgence under Article 226 of the Constitution of India on equity.

5] We have heard the learned counsel appearing for the petitioner, perused the grounds taken in the Petition, annexures thereto, the order passed by the Maharashtra Administrative Tribunal. It appears that, the Maharashtra Administrative Tribunal has considered in detail all the aspects including the fact that, the petitioner, though, was absent for more than 1 year and 11 months, did not even inform the respondents authorities about her absence. Belated attempt of the petitioner to request the respondents on the ground of the alleged miscarriage 3 times cannot be countenanced. The petitioner, at the relevant time, was duty bound to seek permission.

1. AIR 1998 SC 3261

6] Upon careful perusal of the impugned Judgment and Order passed by the Maharashtra Administrative Tribunal, Aurangabad, we do not see any perversity, rather the reasons assigned are in consonance with the material placed on record. We are in agreement of reasons assigned by the Maharashtra Administrative Tribunal. Therefore, we are not inclined to interfere either in the impugned communication, or in the Judgment and Order of the Maharashtra Administrative Tribunal. Petition sans merit, and hence rejected.

Sd/-
[P.R.BORA, J.]

Sd/-
[S.S.SHINDE, J.]

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DDC