

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

**WRIT PETITION NO. 8763 OF 2015**

Jai Babaji Sarvajanic Vachanalaya  
Kothara through its Librarian  
Ratnakar S/o Ramdas Rode .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri Satish A. Gaikwad, Advocate for the Petitioner.

Shri M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND  
K. L. WADANE, JJ.**

**DATE : 22ND AUGUST, 2016.**

**PER COURT :**

. Mr. Gaikwad, the learned counsel for the petitioner submits that, the petitioner had approached this Court by filing Writ Petition No. 10378 of 2012. This Court vide order dated 25<sup>th</sup> July, 2013 had allowed the petitioner to file an appeal to the State Government as per Rule 7 of the Maharashtra Public Libraries (Recognition for Grant-in-Aid & Building & Equipment, Grants) Rules, 1970. The appeal was to be filed within a period of three weeks from the date of order. The learned counsel submits that, the appeal could not be filed within three weeks, but was filed in three months. The same be considered. Even the petitioner had filed application for condonation of delay. The reasons were stated for not being able to file the appeal within three weeks as directed by this Court.

2. The learned Assistant Government Pleader states that, in fact, petitioner should have filed the appeal before the Secretary of the said department. However, petitioner had filed appeal before the Hon'ble Minister.

3. It appears that, after the orders were passed by this Court on 25<sup>th</sup> July, 2013, the petitioner filed an appeal on 01<sup>st</sup> October, 2013 along with an application of condonation of delay. The Hon'ble Minister had also put an endorsement over the same.

4. The reasons are given for not being able to file the appeal within three weeks from the order passed by this Court. Considering the reasons given, we condone the delay caused by the petitioner. The respondent authorities shall consider the said appeal filed by the petitioner (Exhibit - C) on its own merits, in accordance with law. If as per the business rules, said appeal is to be dealt with by the Secretary or any other authority, the same be transmitted to the said authority and decision on the same be taken on its own merits, in accordance with law and policy expeditiously and preferably within a period of six (06) months from today. The writ petition accordingly is disposed of. No costs.

**[ K. L. WADANE, J. ]**

**[ S. V. GANGAPURWALA, J. ]**