

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

901 WRIT PETITION NO. 9389 OF 2015

SANT SANDEEP MAHARAJ SARVAJANIK VACHANALAYA
MALKHEDA, AURANGABAD

VERSUS

STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Gaikwad Satish A.

AGP for Respondents State: Mrs. M. A. Deshpande

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

DATE : 29th September, 2016

ORDER:

1. Mr. Gaikwad, the learned counsel for the petitioner submits that, the petitioner had approached this Court by filing Writ Petition No. 10372 of 2012. This Court vide order dated 25th 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 25th July, 2013, the petitioner filed an appeal on 01st 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 months from today. The writ petition accordingly is disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC