

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5981 OF 2015

PRAVIN MADHUKAR WARKE

PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

RESPONDENTS

Mr.N.V.Gaware, Advocate for the petitioner.

Mr.P.G.Borade, AGP for respondent Nos. 1 and 2.

Mr.V.V.Deshmukh, Advocate for respondent No.3.

Respondent No.4 served.

Ms.S.P.Mahajan, Advocate for respondent No.5.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/07/2016

PER COURT :

1. On 21/07/2016, this Court had observed in its order as under :-

*"1. The petitioner has prayed in prayer clause "C" as under :-
"Hold and declare that, order dtd.11.3.2015 passed by learned
Single Judge in Writ Petition No.3416/2014 is nullity and not
binding upon the petitioner and consequently is liable to be
quashed and set aside and for that purpose issue necessary
orders."*

*2. The order at issue in prayer clause "C" is delivered by this
Court (Coram : N.W.Sambre, J.) in WP No.3416/2014.
Considering the same, this Court (Coram : Ravindra V.Ghuge, J.)*

had directed, on 07/08/2015, the petitioner to move the same Court since this petition had every semblance of being a review petition.

3. *However, on 19/11/2015, the Court which had delivered the order dated 11/03/2015 (Coram : N.W.Sambre, J.) had passed an order on 19/11/2015 that the matter be placed before the Court, which is assigned with service matters.*

4. *Learned Advocate for the petitioner, therefore, prays for time to take instructions from the petitioner as to whether the petitioner would prefer to withdraw this petition so as to file a review petition for seeking the recalling of the order dated 11/03/2015 delivered in WP No.3416/2014.*

5. *Stand over to 26/07/2016 for passing orders.”*

2. Mr.Deshmukh, learned Advocate appearing on behalf of the respondent No.3 / Management specifically submits on instructions that the judgment delivered by this Court (Coram : N.W.Sambre, J.) dated 11/03/2015 in WP No.3416/2014 will not frustrate the rights of the petitioner herein and based on the said judgment, the Management would not act to the prejudice of this petitioner.

3. Considering the above statement, Mr.Gaware, learned Advocate

for the petitioner submits on instructions that this petition is being withdrawn as the grievance of the petitioner does not survive.

4. In the light of the above and by recording the statements made, this petition is disposed of, as withdrawn.

(RAVINDRA V. GHUGE, J.)