

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

WRIT PETITION NO.8130 OF 2015

Renuka d/o. Govardhan Chaudhari ,
Age 31 years, Occ. Service,
r/o. Zilla Parishad Quarter No.124,
Hingoli, Tq. and Dist. Hingoli ..Petitioner

Vs.

The State of Maharashtra,
through its Secretary,
General Administration Department
and ors. ..Respondents

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Mr.A.N.Nagargoje, Advocate for petitioner

Mr.V.S.Badakh, AGP for respondent no.1

Mr.S.R.Bagul, Advocate for respondent no.2

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : JUNE 28, 2016

PER COURT :

Heard.

2. The learned Counsel appearing for respondent nos.2 and 3 submits that remedy of Appeal before the Divisional Commissioner is available to the petitioner.

3. The learned Counsel appearing for the petitioner submits that in the similar set of facts, this Court has allowed a petition and therefore, present petition may also be allowed.

4. In view of the fact that the remedy of Appeal before the Divisional Commissioner, is available to the petitioner, it is desirable that the petitioner should avail of that remedy.

5. In that view of the matter, this Writ Petition is disposed of with liberty to the petitioner to avail the remedy of Appeal before the Divisional Commissioner.

6. Needless to observe that the Divisional Commissioner shall take into consideration the decision of the High Court, which covers the

subject matter of the present petition, if any, and take decision in the Appeal, which may be filed by the petitioner.

7. If there is delay in preferring the Appeal by the petitioner, the Divisional Commissioner, shall take into consideration the time spent by the petitioner in prosecuting the present petition.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp