

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2691 OF 2016

Smt. Sangeeta Suresh Khadse And Anr.

...Petitioners

Versus

The State Of Maharashtra Through The Secretary And Anr ...Respondents

Mr.N.V.Bandiwadekar i/b. Mr.Sagar A.Mane, for the Petitioners.

Mr.Sandeep L.Babar, AGP for Respondent Nos.1 and 2.

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**CORAM : ANOOP V. MOHTA &
 G.S.KULKARNI,JJ.**

DATE: 7th September,2016.

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ORDER :

1. Rule made returnable forthwith. Heard finally by consent of the parties.
2. We are inclined to dispose of the present Writ Petition by quashing and setting aside the order dated 4 June 2015 passed by Respondent No.2 thereby without assigning reasons to the facts as well as the circular so relied upon dated 12 February 2015 and its effect on the facts of the case, and though by order dated 24 March 2015 in Writ Petition No.2776 of 2015 and connected matters, we have specifically directed to consider the case of the Petitioners for approval based upon the

2. We are inclined to dispose of the present Writ Petition by quashing and setting aside the order dated 4 June 2015 passed by Respondent No.2 thereby without assigning reasons to the facts as well as the circular so relied upon dated 12 February 2015 and its effect on the facts of the case, and though by order dated 24 March 2015 in Writ Petition No.2776 of 2015 and connected matters, we have specifically directed to consider the case of the Petitioners for approval based upon the

averments so made in the Petition and referring to the Government Resolution dated 12 February 2015, no reasons whatsoever are given. There is total non application of mind to the facts as well as contents of the circular. Such order in our view is unsustainable and, therefore, is required to be quashed and set aside. Ordered accordingly. However, with a further direction to Respondent No.2 to decide the case/application/representation already filed by the Petitioner dated 6 August 2015, in accordance with law by giving reasons as early as possible, preferably within four weeks, and after granting personal hearing in the peculiar facts and circumstances of the case.

3. In view of the above, the present Writ Petition is allowed accordingly. No costs.

(G.S.Kulkarni, J.)

(Anoop V. Mohta, J.)