

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1881 OF 2015

(Abdul Salim Gulam Nabi and another vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri M.A. Vaishnav, Advocate for petitioners.

Shri M.M. Ekre, Assistant Government Pleader for
respondents.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : MARCH 7, 2016

Heard Adv. Vaishnav for petitioners.

Shri Ekre, learned Assistant Government
Pleader appearing for respondents, points out that as yet
this Court has not issued notice and, therefore, he has no
instructions on facts. However, he submits that challenge
pertaining to approval has remained pending with this
Court for more than 14 months without any action.

The cause of action is said to have accrued
in March 2014 when petitioner no.1 was given approval
as Laboratory Attendant from 1/10/2010 for a period of
three years on honorarium. The petitioner no.1 claims
that he is working since 2003 and approval was once
rejected in 2007 on the ground that bar existed and hence,
there could not have been any recruitment.

Adv. Vaishnav states that in the face of that rejection in 2007, in 2014 approval has been given, but from 1/10/2010. According to him, approval ought to have been given from 2003.

Shri Ekre, learned Assistant Government Pleader submits that challenge to order dated 21/3/2014 in January 2015 is belated.

At this stage, we are not inclined to go into merits of controversy. The petitioner no.1 admittedly continues in service and is receiving honorarium. Approval given to him on 21/3/2014 with effect from 1/10/2010 shows that respondent no.3 is satisfied about legality of his recruitment and also qualification, etc. In this situation, we find that interest of justice can be met with by directing petitioners to submit an appropriate representation pointing out how bar has been wrongly applied to the case of petitioner no.1 in the year 2007. If such representation is made within four weeks from today, respondents shall take a suitable decision upon it within next ten weeks. They shall hear the petitioners and verify their records for the said purpose.

With the above directions and keeping all rival contentions open, we dispose of the petition. No costs.

JUDGE

JUDGE

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