

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO.498/2016 IN WRIT PETITION NO. 504/2016
(BABARAO HARIDAS PATIL VERSUS STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri A.Z. Jibhkate, counsel for the applicant/petitioner.
 Shri N.R. Patil, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 23, 2016.

By this writ petition, the petitioner had sought a direction to the respondent-State to decide the representation of the petitioner dated 29.12.1990 for correction of his Date of Birth as 04.02.1960 in stead of 04.02.1958.

When this writ petition came up for hearing, this Court had, by an order dated 25.01.2016, directed the State Government to take a decision on the representation made by the petitioner in the year 1990, within a period of four weeks.

The State Government rejected the representation of the petitioner by an order dated 29.02.2016. According to the State Government, it had not received any application from the petitioner dated 29.12.1990 as no application for correction of Date of Birth, as required by the provisions of Maharashtra Civil Services (General Conditions of Services) Rules, 1981, was made by the petitioner within a period of five years from the date of his appointment. It appears that the petitioner has challenged the order rejecting the representation for correction of the Date of Birth, before the Maharashtra Administrative Tribunal.

With the rejection of the application of the petitioner and the pendency of the matter before the Maharashtra Administrative Tribunal, it would not be necessary to continue the ad-interim relief that was granted by this Court on 29.02.2016. At the time of granting of the ad-interim relief, this Court was not aware that the representation made by the petitioner was rejected and, hence, the ad-interim relief was granted. It would not be necessary to proceed with the writ petition any longer as the matter is filed by the petitioner before the Maharashtra Administrative Tribunal. So also, it would be necessary to vacate the interim relief as the application of the petitioner stands rejected. The Maharashtra Administrative Tribunal is free to decide the application of the petitioner on merits. With the vacation of the interim relief, the petitioner ceases to work with the State Government.

The writ petition is disposed of in the aforesaid terms.

In view of the aforesaid, the civil application also stands disposed of as rejected.

JUDGE

JUDGE

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