

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

BENCH AT AURANGABAD.

WRIT PETITION NO.265 OF 2016

Shivhar S/o Gundappa Akuskar ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.R.D.Biradar, advocate for the petitioner.
Mr.P.S.Patil, Additional Government Pleader for
the State.
Mr.U.B.Bondar, advocate for Respondent Nos.4 and
5.

...

**CORAM : S.V.GANGAPURWALA AND
SMT.VIBHA KANKANWADI, JJ.**

Date : 02.11.2017.

PER COURT :

1. Leave to add Divisional Commissioner as
a party.

2. Learned Additional Government Pleader

waives service of notice for added party.

3. The petitioner seeks continuity in service.

4. Mr.Bondar, learned counsel submits that the Zilla Parishad is entitled to condone the break in service only to the extent of 15 days and over and above it is only the Divisional Commissioner, who can condone the break in service. In the present matter, the break in service is for a period of about one year.

5. Mr.Biradar, learned counsel submits that the petitioner would approach the Divisional Commissioner seeking condonation of break in service.

6. In case an application is made by the petitioner to the Divisional Commissioner, seeking condonation of break in service then the Divisional Commissioner shall consider the same on its own merits in accordance with law expeditiously, preferably within six (6) months

from the date of receipt of the said application.

7. The Writ Petition is disposed of. No costs.

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

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