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

WRIT PETITION NO.5330 OF 2012

Arvind s/o Badrinarayan Jadhav
and another ... PETITIONERS

VERSUS

The State of Maharashtra and others ... RESPONDENTS

.....
Shri A.V. Indrale Patil, Advocate holding for
Shri V.D. Gunale, Advocate for petitioners
Shri Y.G. Gujarathi, A.G.P. for R.No.1 and 2
Shri R.D. Borde, Advocate holding for
Shri U.S. Malte, Advocate for R.No.3
.....

CORAM: RAVINDRA .V. GHUGE AND
SUNIL K. KOTWAL, JJ.

DATED : 2nd NOVEMBER, 2017.

ORAL ORDER :

1. This petition was listed along with Writ Petition No.5336/2012, by the order of this Court dated 10/7/2012, as identical issues were involved.

2. A copy of the judgment dated 29/10/2015 delivered by this Court in Writ Petition No.5336/2012 in the matter of Ram s/o Raosaheb Phawade & 2 others. Vs. The State of Maharashtra & 5 others, is placed before us. We find that, the said petition has been dismissed with an observation that the rejection of the

petition would not be considered as an impediment for the respondents to take a sympathetic view keeping in mind the length of service of the petitioners.

3. As such, we find that, the same observations in this petition can be made.

4. This Writ Petition is, therefore, dismissed.

5. However, we make it clear that, the rejection of this Petition cannot be construed as an impediment, in case, the Respondents wish to take sympathetic view, considering the length of service of the petitioners, so as to grant approval to their services as a special case or a one time measure, in view of the observations of the Hon'ble Supreme Court in para 53 of the judgment in the case of **Secretary, State of Karnataka and others Vs. Umadevi and others reported in (2006) 4 SCC 1.**

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

fmp/