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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.201/2012
IN
WRIT PETITION NO.2465/2012

Manoj Vasant Pawar.

...Applicant -
Review Petitioner

Versus

The State of Maharashtra & another.
...Respondents...

.....

Shri N.L. Choudhary, Advocate for applicant / review
petitioner.

Shri S.N. Morampalle, AGP for respondent nos.1 & 2.

.....

CORAM: R.D. DHANUKA &
SUNIL K. KOTWAL, JJ.

DATE: 27.09.2017

ORDER :

1] This review petition is filed mainly on the ground that the writ petition of the review petitioner is dismissed by this Court on 14.6.2012 observing that the petitioner may resort to appropriate alternative remedies as permissible in law. Learned counsel for the review petitioner states that there is no other alternative remedy available in law to the petitioner except to make a representation to the respondents. He states that the petitioner had applied for an appointment as legal heir

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in place of his father who served and retired in the year 2001. The respondents had not considered the representation made by the petitioner.

2] Learned AGP could not point out whether there is any other alternative remedy available to the petitioner to challenge inaction on the part of the respondents to decide the representation made by the petitioner.

3] In our view, the petitioner has thus made out a case for recall of the order dated 14.6.2012 by showing an error apparent on the face of the order. The order dated 14.6.2012 is thus recalled. The Writ Petition No.2465/2012 is restored to file.

4] Learned counsel for the review petitioner states that the respondents have not decided the representation made by the petitioner on 15.1.2004 which is annexed at page no.24 of the review petition and the same shall be decided by the State Government. We are inclined to accept this submission made by the learned counsel for the review petitioner.

5] The respondents are accordingly directed to decide the representation made on 15.1.2004 annexed at page no.24 of the review petition and after giving an

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opportunity of being heard to the petitioner and shall decide said representation expeditiously and not later than eight weeks from today. The petitioner shall appear before the concerned officer of the respondents in response to the notice as may be issued by the respondents affording an opportunity to the petitioner without fail. The respondents shall issue advance notice not less than seven days to the petitioner. The writ petition as well as the review petition filed by the petitioner shall be considered as a representation of the petitioner in addition to the representation dated 15.1.2004 made by the petitioner to the respondents.

6] The review petition is disposed of in aforesaid terms. No order as to costs.

7] The parties to act on the authenticated copy of the order.

(SUNIL K. KOTWAL, J.)

(R.D. DHANUKA, J.)