

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

WRIT PETITION NO. 6716 OF 2016

VIVEKANAND VYANKATRAO NALGIRKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri Waramaa B.R..
AGP for Respondents 1 and 2/ State : Shri A.P.Basarkar.
Advocate for Respondent 6 : Shri M.S.Dhapate h/f Shri R.P.Bhumkar.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th December, 2017

Per Court:

1 By this petition, the Petitioner has put forth prayer clauses B, C and D as under:-

- "B) By issuing writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondents No.2 and 3 be directed to conduct the enquiry into the matter of grant of administrative approval to the employees who were not in employment and in consonance with the letter dated 28.12.2012 at Exhibit I.
- C) By issuing writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondents No.2 and 3 be directed to grant approval to the petitioner to the post of Peon/ Caretaker in the school of the respondent No.5.
- D) It be held and declared that the appointment of the respondent No.6 and grant of administrative approval to his post issued by the respondent No.3 is illegal, arbitrary and against the principles and policy laid down by the

respondent State."

2 The learned Division Bench of this Court, by its order dated 19.07.2017, has noted that the Single Judge Bench of this Court can entertain this petition.

3 This matter is heard for sometime. The communication dated 28.12.2011 issued by the Commissioner for Handicapped Welfare, Maharashtra State, Pune addressed to the District Social Welfare Officer, Latur would indicate that the Management has been directed to restore the Petitioner as a Caretaker with the Institution where he was working initially.

4 The learned Advocate for the Petitioner points out from the affidavit in reply filed by Respondent No.6 that, in paragraph 7 of the said affidavit, it has been stated that Respondent No.6 has already passed the resolution in a meeting and is willing to accommodate the Petitioner as a Caretaker as per his initial appointment.

5 The learned Advocate for the Petitioner, therefore, submits that this petition can be disposed of in the light of the statement made in paragraph 7 of the affidavit filed by Respondent No.6.

6 The learned Advocate for Respondent No.6 does not oppose the allowing of this petition in the above terms.

7 None appears for Respondent Nos.3, 4 and 5 despite service

of court notice.

8 Considering the above, this Writ Petition is allowed in the light of the statement made by Respondent No.6 in paragraph 7 of his affidavit in reply dated 28.08.2017.

kps

(RAVINDRA V. GHUGE, J.)