

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**CIVIL APPLICATION NO.13392 OF 2016  
IN  
WRIT PETITION NO.11478 OF 2015.**

**Arun S/o Sudhakar Rao Fajge Vs. The State of Maharashtra and others.**

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr.G.A.Gadhe, advocate for the applicant.  
Mrs.V.N.Patil, A.G.P. for the State.  
Mr.R.K.Ingole Patil, advocate for Respondent No.3.  
Mr.D.M.Shinde, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND  
K.L.WADANE, JJ.**

**Date : 06.01.2017.**

**PER COURT :**

1. Heard.
2. The learned counsel for non-applicant No.4 submits that the application of the present applicant is not tenable and he is not added as party in the application, so also he has no locus-standi to file the instant application.
3. Mr.Gadhe, learned counsel for the applicant states that applicant is the Secretary of the non-applicant No.4 institution. Fraud is sought to be played upon this Court. The persons for whose benefit the petition is filed, are not working nor are

appointed.

4. Mr.Ingole, learned counsel for Respondent No.3 submits that Respondent No.3 has not yet granted approval to the appointments which are said to have been made by non-applicant No.4.

5. This Court under order dated 16.4.2016, in W.P.No.11478/2015 had passed following operative order :

*“(i) Rule. On Rule, in all the petitions, the respective counsel appearing for the parties waive service of notice.*

*(ii) So far as interim relief is concerned, the posts which are admissible in view of the Government Resolution dated 18<sup>th</sup> August, 2004, of which reference is made hereinabove and the Schedule thereunder, in case appointments are already made, the Respondents are directed to maintain statusquo as to the services of those appointees.*

*(iii) Needless to observe, till the Petitions are heard and decided, the concerned authority shall grant provisional approval to the services of such appointees, which are appointed within the permissible limit of the Government Resolution dated 18<sup>th</sup> August, 2004.*

*(iv) However, we make it clear that, this interim relief granted today will be subject to outcome of the Writ Petitions.*

*(v) Liberty to move in case of any difficulties arises in*

*implementing this order.*

3. *The Writ Petition No.10081/2015 to be heard separately.”*

When observation is made to grant provisional approval, the same certainly will have to be granted considering adherence to the due process while appointing those persons, so also considering the qualifications etc.

6. It is already stated by Respondent No.3 that approvals are not yet granted. While considering the proposals for approval in the instant matter, the Respondent No.3 shall consider each and every aspect of the matter including eligibility, qualification, adherence to procedure etc.

7. The parties are at liberty to represent themselves before the authority in this regard.

8. The Civil Application is disposed of with aforesaid observations. No costs.

**( K . L . WADANE , J . )**

**( S . V . GANGAPURWALA , J . )**

Dt.06.01.2017.  
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