

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9516 OF 2014

Manisha Manohar Malvankar ...Petitioner

vs.

The Registrar General, High Court,
Appellate Side, Mumbai and Another ...Respondents

Mr. Sanjay Kulkarni, for the Petitioner

Mr. S.R. Nargolkar a/w. Mr. L. Coutinho, for Respdt. Nos. 1 and 2.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 21, 2017

P.C.:

. Challenging the order dated 15th March, 2013 whereby the Petitioner's request to treat her resignation as "technical resignation" and to issue relieving order with effect from 8th February, 2010 from High Court Service as per the provision of Para 2 (b) (2) of the Government Resolution dated 2nd December, 1997, has been rejected, the Petitioner has filed this Petition.

2. According to the Petitioner, in her application/letter of resignation dated 3rd February, 2010 she had disclosed all the reasons for reliving her from the High Court services and entitling her to get the benefits of High Court Service as per the provision of Para 2(b)(2) of the Government Resolution dated 2nd December,

1997. However, in the absence of mentioning of the word “Technical/Formal” in the said application, the Respondents have rejected the Petitioner's application.

3. The grievance of the Petitioner is that the application was required to be considered as a whole and gist of the application was to be seen while considering and deciding the same and therefore the rejection order only on account of non-inclusion of the words “Technical/Formal” is a hyper technical approach adopted by the Respondents

4. On the other hand, the learned counsel for the Respondents has supported the impugned order.

5. We have heard learned counsel for the parties.

6. During the course of hearing, learned counsel for the Petitioner submits that in order to satisfy the requirement of the provision of Para 2 (b) (2) of the Government Resolution dated 2nd December, 1997 the Petitioner may be permitted to amend her application so as to bring the same in conformity with the provision of the said Government Resolution. He further submits that the Respondents be directed to consider the Petitioner's application afresh as per the amended application which the Petitioner will submit within two weeks. He submits that the

decision on the said application be directed to be taken afresh by the Respondents as expeditiously as possible.

7. Keeping in view the aforesaid submission and keeping in view that the Petitioner's application has been rejected on technical ground, we are inclined to dispose of this Petition with liberty to the Petitioner as aforesaid.

8. In case the Petitioner submits a amended application within two weeks, the Respondents shall consider the same and take appropriate decision on it as expeditiously as possible preferably within two months from the date of receipt of such amended application.

9. We hope and trust that the Respondents shall consider the amended application of the Petitioner in its correct perspective keeping in view the contains of the same and will not reject it on the technical ground.

10. The Petition is disposed of as such.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)