

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13640 OF 2017

Rajbir Nathilal Guderiya .. Petitioner.

Vs.

Government Polytechnic

Thane & Ors.

.. Respondents.

Mr. Amardev J. Uniyal for the petitioner.

Mr. Sachin Kankal AGP for respondent nos.1, 2 and 4.

CORAM : A.K. MENON, J.

DATED : 20TH DECEMBER, 2017

P.C. :

1. After this matter was argued for some time it was pointed out that the petitioner seeks to assail the order dated 30th October, 2017 passed by the State pursuant to an application made in terms of paragraph 2 of the order dated 6th November, 2017 passed in Writ Petition No.11201 of 2017. The State has declined to consider the request sanctioning the relevant post on the ground that the post has been abolished w.e.f. 30th January, 2009. In this respect the petition annexes to it a Government Resolution dated 31st July, 2009.

2. Learned counsel for the petitioner faced with this position, states he will withdraw this petition and seek appropriate relief in this

behalf by filing a fresh petition seeking a Writ of Mandamus. He further submits that in the present petition vide ad-interim order dated 29th November, 2017 this Court had directed the respondents to continue the service of the petitioner upto 31st December, 2017 and by paying wages as per the Minimum Wages Act. In view of this learned counsel for the petitioner seeks extension of this protection for a limited period on an undertaking that no further extension will be sought in order to enable him to approach the Court. In the circumstances I pass the following order :

- (a) The petition is allowed to be withdrawn.
- (b) The undertaking is accepted. The protection granted vide order dated 29th November, 2017 shall operate only till 10th January, 2018.
- (c) The petition is disposed of in above terms with no order as to costs.

(A.K. MENON,J.)