

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12120 OF 2013**

Pramod Ramchandra Kulkarni

....Petitioner.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Sumit S. Kothari for the Petitioner.

Ms. K.R. Kulkarni, AGP for Respondent No.1.

Mr. Vivek Vijay Salunke for Respondent No.2.

**CORAM : ANOOP V. MOHTA AND
MANISH PITALE, JJ.****DATE : 24 NOVEMBER 2017.****ORDER:-**

The learned counsel appearing for the Petitioner, without expressing anything further on the validity of the corrigendum dated 18 September 2015 to the main circular dated 4 May 2012, on instructions, seeks liberty to prefer the Appeal before the Appellate Authority, as the preliminary objection was raised by the learned counsel appearing for Respondent No. 2 about the maintainability of the Petition, based upon the said circular.

2 In view of this objection and in the interest of justice, by keeping all defences and contentions open, we are permitting the

Petitioner to move and/or to file Appeal before the appropriate Authority as per the said Corrigendum/Circular within two weeks from today. The learned counsel appearing for contesting Respondent No.2, on instructions, conceded the position that the delay, even if any, need not be the reason to oppose the Appeal and the same will be heard on its own merits.

3 Therefore, for the above reasons, we are disposing of this Writ Petition, with liberty to the Petitioner to prefer the Appeal within two weeks from today. In view of the fact that impugned order is dated 3 August 2013, we are inclined to observe that the Appellate Authority to decide and/or to dispose of the Appeal proposed to be filed by the Petitioner, as early as possible and preferably within four months, thereafter on its own merits by condoning the delay, even if any.

4 Writ Petition is disposed of, accordingly, with liberty. All the contentions are expressly kept open. No costs.

(MANISH PITALE, J.)

(ANOOP V. MOHTA, J.)