

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

**WRIT PETITION NO. 4370 OF 2017**

Palavi Abhimanyu Meshram ... Petitioner

**VERSUS**

The State of Maharashtra & Ors. ... Respondents

.....  
Mr V. D. Salunke, Advocate for the petitioner  
Mrs A. V. Gondhalekar, AGP for respondents No. 1 to 4  
Ms Pradnya S. Talekar, Advocate for respondent No. 5  
Mr A. S. Deshmukh, AGP for respondent/State No. 6  
Mr R.P. Adgaonkar, Advocate for respondent No. 7  
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**CORAM : S. V. GANGAPURWALA &  
A. M. DHAVALÉ, JJ.**

**DATE : 05<sup>TH</sup> MARCH, 2018.**

**ORDER:**

1. We have heard learned counsel for the respective parties.
2. The grievance of the petitioner is that the judgment and order passed by the Tribunal is *ex parte* one.
3. This Court had issued notice on April 3, 2017 and had directed *status quo* with regard to the post held by the petitioner to be maintained.

4. It transpires that, as per Rule 17(2) of the Maharashtra Administrative Tribunal (Procedure) Rules, the petitioner has a remedy of filing an application for setting aside the *ex parte* order.

5. Considering the fact that the petitioner has a remedy of filing an application for setting aside the *ex parte* order, we are not entering into the merits of the case.

6. It will be open for the parties to contend about the service/non-service of notice to the petitioner.

7. In light of the above, we dispose of the writ petition with liberty to the petitioner to apply u/s 17(2) of the Maharashtra Administrative Tribunal (Procedure) Rules.

8. We extend the interim order passed by this Court for a period of three weeks so as to enable the petitioner to make an appropriate application.

9. With these observations, the writ petition is disposed of. All the contentions of the parties are kept open. The application filed by the petitioner shall be decided expeditiously.

10. In view of disposal of writ petition, connected civil application also stands disposed of.

**[ A. M. DHAVALA ]**  
**JUDGE**

**[ S. V. GANGAPURWALA ]**  
**JUDGE**

Punde