

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

938 WRIT PETITION NO. 5526 OF 2013

SUNDER SHIVAJIRAO TARASE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. U.R. Awate  
AGP for Respondent 1 : Mr. S.B. Pulkundwar  
Advocate for Respondents 2 & 3 : Mr. P.G. Rodge

...

**CORAM : T.V. NALAWADE AND  
SUNIL K. KOTWAL, JJ.**

**DATED : January 12, 2018.**

**ORDER :**

. The petition is filed to give direction to respondent No. 2 and 3 to give appointment to the petitioner as Junior Clerk with effect from 1.4.2007 and grant him salary difference etc.

2) The submissions made and the record produced by the respondents show that on 15.1.2014 the petitioner tendered resignation of the post of which he was likely to get from the respondents and then he joined service as Clerk in Judicial Department.

3) The learned counsel for petitioner submitted that the contents of the resignation shows that the petitioner was under

impression that he was getting temporary post and so, he had tendered resignation. So, he submitted that the petitioner will resign from the present post if he is getting the post as per the the reliefs claimed in the present petition.

4) The aforesaid contentions of the petitioner cannot be accepted at this stage. What is important in the present matter is to ascertain as to whether he had given up the post by tendering resignation on 15.1.2014. It is a fact that he gave up the claim on the said post. If he had not given up that claim it would have been difficult for him to get the present post, the post of Clerk in the Judicial Department. In view of these circumstances, this Court holds that nothing survives in the present matter. The present matter has become infructuous. So, the petition is disposed of as infructuous.

**[SUNIL K. KOTWAL, J.]**

**[T.V. NALAWADE, J.]**

ssc/