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

**CIVIL APPLICATION NO.13345 OF 2018
IN
WRIT PETITION NO.15292 OF 2017**

Dnyanodaya Vimukta Jati Shikshan
Prasarak Mandal, Kanadi Borgaon,
Tq. and Dist. Latur
Through its President,
Shri. Baburao s/o Kishanrao Jadhav,
Age:66 years, Occu: Agri.,
R/o. Kanadi Borgaon,
Tq. and Dist. Latur

..APPLICANT

VERSUS

The State of Maharashtra,
Through the Principal Secretary to the
Government of Maharashtra in
General Administration Department,
Mantralaya, Mumbai-32 & ors.

..RESPONDENTS

Mr V. D. Hon, Senior Advocate i/b Mr V. B. Jadhav, Advocate for applicant;
Mr V. J. Dixit, Senior Advocate a/w Mr S. M. Ganachari, A.G.P. for
respondent Nos.1 to 3

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 22nd November, 2018

ORAL ORDER:

By way of present application, the applicant prays for withdrawal of the amount. The undisputed facts are that Writ Petition No.15292 of 2017 was filed at the instance of the applicant/petitioner. By an order dated 13th August, 2018, the State Government was directed by this Court to deposit an

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amount to the tune of 50% of non salary grants in this Court within a stipulated period. In response to the said order, the State Government has deposited an amount of Rs.32,45,134/- in this Court.

2. Mr Hon, learned Senior Advocate appearing on behalf of the applicant/petitioner submitted before us that since year 2013, the applicant/petitioner is praying for the non salary grants amount and the same is not disbursed to him and now he has to incur the expenses for discharging the financial burden in respect of the infrastructural activities and to meet the exigencies, he needs the finances. On these grounds the applicant prays for withdrawal of the amount.

3. Mr Dixit, learned Senior Advocate appearing on behalf of State Government opposes the application.

4. Considering the submissions of learned Counsel for respective parties, we are of the opinion that the ends of justice would be met by permitting the applicant/petitioner to withdraw part of the amount deposited in this Court by the State Government. Accordingly, the applicant/petitioner is permitted to withdraw an amount of Rs.15,00,000/- out of amount of Rs.32,45,134/- deposited in this Court, subject to the condition of filing an undertaking in this Court within a period of two weeks that this withdrawal would be subject to the final outcome of the petition. Needless to state that if the

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applicant/petitioner fails, he would return the amount withdrawn by him to the State Government. The civil application is disposed of accordingly.

Post the petition for further consideration/order on 13th December, 2018.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

sjk