

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5248 OF 2017

Dr. Mughda S. Patki and Others.

..Petitioners.

Versus

State of Maharashtra & Others.

..Respondents.

Ms. Devyani Kulkarni for the Petitioner.

Mrs. M. P. Thakur, AGP for the Respondent-State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **April 3, 2018.**

P. C. :

1. On oral motion, learned Counsel for the Petitioners is allowed to amend the cause title of petition so as to implead the Joint Director of Higher Education, Panvel Region, Panvel as party Respondent No.3A in this petition. Leave granted. Necessary amendment be carried out forthwith.

2. Learned Counsel for the Petitioner seeks leave to withdraw the writ petition with liberty to the Petitioners to make fresh representations either to Respondent No.3 or Respondent No.3A regarding the grievance made in this petition. Leave with liberty as prayed for is granted. Petition is allowed to be withdrawn and is disposed of as such.

3. It is made clear that this Court has not gone into merits of the matter and all points and contentions of the respective parties are kept open. Respondent No.3 or Respondent No.3A shall decide the said representations of the Petitioners independently, on its own

merits and strictly in accordance with law. An endeavour shall be made by the authority concerned to dispose of such representations of the Petitioners as expeditiously as possible and at any rate within the period of 4 weeks from the date of receipt such representations.

4. Before arriving at the final decision, the authority concerned shall give an opportunity of hearing to all concerned. While deciding the said representations, the authority concerned shall take into consideration the order passed by this Court bench at Aurangabad in the case of *Sudamrao K. Aher & Ors. vs. The State of Maharashtra and Ors.*¹ and also the order passed by Division Bench of this Court in the case of *Shivaji University Teachers' Association vs. The State of Maharashtra*².

5. In order to enable Respondent No.3 and Respondent No. 3A to comply with the directions given hereinabove, the Petitioners shall attend the office of Respondent No.3 and Respondent No.3A on 10th April 2018 at 11.00 a.m. and submit their individual representations and a copy of this order.

6. Writ petition stands disposed of.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]

1 Writ Petition No. 10283 of 2012 decided on 21st March 2013 [High Court of Bombay Bench at Aurangabad.]

2 Writ Petition No. 5271 of 2014 decided on 8th November 2017.