

R.M. AMBERKAR
(Private Secretary)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 10493 OF 2018

Abhaysinh Kakasaheb Pawar .. Petitioner
Vs
State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION (ST) NO. 24247 OF 2018

Swaminath Shivmurthi Swami .. Petitioner
Vs
State of Maharashtra & Ors. .. Respondents

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- Mr. Abhijeet Kulkarni I/by DD & Abhijeet Associates for the Petitioners
 - Mrs. Rupali Shinde, AGP for Respondent Nos. 1 and 2
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CORAM : R.M. SAVANT &
M.S. KARNIK, JJ.

DATE : SEPTEMBER 26, 2018.

P.C.:

1. The above Writ Petitions involves an identical challenge as raised in Writ Petition No. 7093 of 2016 filed before the Division Bench of this Court sitting at Nagpur. In the said case, the Division Bench by order dated 2.7.2018 has set aside the communication received by the petitioner from the Director of Marketing and has restored the proposal of the petitioner therein to the file of respondent

No. 2 – Director of Marketing. The Division Bench at Nagpur had issued directions which are comprised in the last two paragraphs of the said order dated 2.7.2018. The said paragraphs are reproduced hereunder for the sake of ready reference:

“ In the light of subsequent developments, W.P. No. 4845/2013 with 9 other connected matters were partly allowed by this Court at Nagpur on 10.12.2013 and the office of respondent No. 2 / Director of Marketing was asked to reconsider the issue of approval. In W.P. No. 4926/2013 identical orders have been passed on 15/06/2017 at Nagpur.

Hence, adopting very same course, we quash and set aside the communication dated 03/05/2016 and restore the proposal of petitioner back to the file of respondent No. 2 / Director of Marketing. Respondent No. 2 / Director of Marketing shall take necessary decision as per law within next 3 months. If necessary opportunity of hearing shall be extended to petitioner / representative.”

2. Learned AGP would seek to draw our attention to the G.R. dated 21.4.2017 as also the communication dated 26.9.2018 replied by her from the Joint Director (Marketing), Maharashtra State. We have perused the said G.R. as also the communication addressed to the learned AGP. We do not find anything in the said documents which

would impinge upon the efficacy of the order dated 2.7.2018 passed by the Division Bench sitting at Nagpur in so far as the above Writ Petitions are concerned. We, therefore, deem it appropriate to follow the same directions as issued by the Division Bench sitting at Nagpur which, for the sake of ready reference, we have already reproduced in earlier part of this order. We, therefore, `dispose of the above petitions by directing the respondent No. 2 – Director of Marketing to take a decision in accordance with law on or before 30.11.2018.

3. With the directions as above the Writ Petitions are disposed of.

[M.S. KARNIK, J.]

[R.M. SAVANT, J.]