

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3988/2017

Amit s/o Sudhakar Itankar

...Versus...

The State of Maharashtra, through Secretary Public Health Department,
Mantralaya, Mumbai – 32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.S. Khubalkar, Counsel for petitioner
Shri A.M. Joshi, AGP for respondents

**CORAM : R.K. DESHPANDE AND
ARUN D. UPADHYE, JJ.**

DATE : 16/07/2018

The learned Counsel appearing for the petitioner has invited our attention to paragraph nos.8 and 9 of the reply-affidavit filed by the respondent nos.1 to 5. The said paragraphs are reproduced below :-

“8. The respondents submit that the State Government now by its communication dated 17.7.2017 has informed to the respondent No.2 that the delay has been condoned. The copy of which is annexed herewith as **Annexure R-I**. In view of the condonation of delay by the State Government the name of the petitioner has been included in the list of candidates to be appointed on compassionate ground on 1.6.2017.

9. *The respondents state that the name of the petitioner is reflected at serial No.2 in the temporary waiting list as per seniority as on 1.6.2017 prepared for compassionate appointment and approved by the then Commissioner, ESI Scheme Mumbai, a copy of which is annexed herewith as **Annexure R-II**. It is submitted that the subsequent procedure would be followed to appoint the petitioner on compassionate basis after following the procedure as per rules. This procedure may require some more time.”*

In view of the aforesaid stand taken by the respondents, Shri Khubalkar the learned Counsel for the petitioner submits that the grievance of the petitioner does not at all survive. The writ petition has become infructuous.

The writ petition is, therefore, dismissed as infructuous. No order as to costs.

(Arun D. Upadhye, J.)

(R.K. Deshpande, J.)