

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4863 OF 2019

Asha Dashrath Chavan

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. D.R. Irale Patil, advocate for petitioner.

Mrs. P.V. Diggikar, AGP for respondent no. 1.

Mr. S.B. Ghute, advocate for respondents no. 2 to 4.

**CORAM : PRASANNA B. VARALE AND
NITIN W. SAMBRE, JJ.**

DATE : 22nd April, 2019.

P.C. :

Heard.

2. Considering the issue involved and the prayers made in the petition, we deem it appropriate to dispose of the petition at admission stage.

3. Issue notice to respondents returnable forthwith. Learned AGP waives service of notice on behalf of respondent no. 1. Learned counsel Mr. Ghute, waives service of notice on behalf of respondents no. 2 to 4.

4. Petitioner was appointed as Auxiliary Nurse Midwife and was awarded certain service benefits. As a policy, these benefits were granted to the petitioner by orders dated 27.09.2013 and 09.01.2014. Respondents, more particularly respondents no. 2 and

3 sought for recovery of the amount claiming that the same was erroneously granted to the petitioner.

5. An identical issue was raised before this Court in Writ Petitions No. 4616/2016, 4624/2016, 9035/2018 and 10252/2018. Learned counsel appearing for respondents no. 2 to 4 fairly submitted that this was the identical issue in Writ Petition No. 10252/2018 wherein he had appeared for respondents no. 2 to 4.

6. In view of this fact, we see no reason to take a different view than the view taken by the Division Bench in above referred writ petitions. Accordingly, the impugned orders claiming recovery are quashed and set aside. In the present petition, as no amount is recovered from the petitioner, it is not necessary for us to direct respondents anything on that aspect.

7. Petition is accordingly disposed of.

NITIN W. SAMBRE
JUDGE

PRASANNA B. VARALE
JUDGE

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