

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

CIVIL APPLICATION NO.6071 OF 2018
IN WP/7613/2013

LAXMAN DIGAMBARRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Vivek U. Jadhav, Advocate for the applicant
Mr.M.A.Deshpande, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 11.01.2019

P.C. :-

. By the present application, the applicant prays for directions namely direction to the respondents to issue all pensionary benefits which are withhold by the respondents, and directions to grant benefits of third opportunity to the applicant as per the application dated 08.10.2016 and on that basis re-fix the pension and pay accordingly.

2. The applicant challenges a notice issued by respondent No.3 and in the grounds raised in the petition, the petitioner also raises the ground that the appointment of applicant was from the open category candidates and the petitioner has not

sought the appointment as a candidate belonging to reserve category. It was also the submission in the petition that the petitioner is entitled for the benefits of third opportunity. The Division Bench of this Court by order dated 23.09.2013 while issuing the notice protected the interest of petitioner by way of interim order and directed the applicant to submit an undertaking in this Court. Interim relief is continued. On 19.08.2015 the petition is admitted by this Court. The respondents are directed not to take any adverse action on the petitioner on failure to produce the caste validity certificate and further in clear terms this Court directed the respondents that they shall not give any benefits to the applicant on the basis of his caste. It is not in dispute that the exercise of exchange of replies is undertaken and the petition itself is right to hearing disposal.

3. In view of this facts, we are not inclined to allow the application and we post the petition for hearing disposal in the week commencing from 25.02.2019.

(3)

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4. The application is accordingly disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]

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