

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8280 OF 2019

LATA TRIVIKRAM KAUSHIKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Deshmukh J. S.
AGP for Respondent No. 1 : Mr. V. M. Kagne
Advocate for Respondents No. 2 & 3 :
Mr. S. M. Ganachari

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WRIT PETITION NO. 8318 OF 2019

VIMAL GANGADHAR SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Deshmukh J. S.
AGP for Respondent No. 1 : Mr. V. M. Kagne
Advocate for Respondents No. 2 & 3 :
Mr. S. M. Ganachari

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 03rd SEPTEMBER, 2019

PER COURT:

1. We have heard Mr. Deshmukh, learned counsel for the petitioners, the learned A.G.P. and Mr. Ganachari, learned counsel for respondents no. 2 and 3.

2. The order passed by respondent no. 3 claiming recovery is assailed in the present writ petitions. The learned counsel for the petitioners and Mr. Ganachari, learned counsel for the respondents are *ad idem* that the petitioners are similarly situated as the petitioners in Writ Petition No. 12198 of 2015 decided on 01.03.2018, Writ Petition No. 4616 of 2016 and 4624 of 2016 decided on 22.12.2017.

3. The learned counsel for the respondents on going through the judgment accepts that present petitioners are similarly situated. The respondents were same in Writ Petitions No. 4616 of 2016 and 4624 of 2016.

4. For the reasons stated in the said judgment, the impugned order passed by respondents no. 3 claiming recovery is quashed and set aside. The respondents are directed to repay the respective amounts to respective petitioners which have been recovered from them within a period of six (06)

months from today.

5. The respondents are at liberty to refix the pay of the petitioners after giving opportunity to the petitioners.

6. Writ Petitions stand accordingly disposed of.
No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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