

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11786 OF 2018**

Maheshkumar Sadashiv Naik & Anr. ...Petitioners

Versus

The State of Maharashtra, Through ...Respondents
Principal Secretary & Ors.

Chetan G. Patil - Advocate for the petitioner.
S. D. Rayrikar – AGP for the respondent – State.
Manoj A. Patil - Advocate for the respondent no. 4.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 11th NOVEMBER 2019.

P.C. :

In 2015, the 4th respondent was appointed Police Patil. Soon thereafter, the petitioners successfully challenged that appointment before the Sub-Divisional Officer. That is, the 3rd respondent, through order dated 14.03.2016, set aside the appointment. That resulted in the 4th respondent's removal from the service.

2. Aggrieved, the 4th respondent approached the Hon'ble Minister, who directed the District Collector concerned to consider the issue. And that resulted in the Collector's order, dated 21.12.2017: the 4th respondent was reinstated. Assailing that order

passed by the Collector, the petitioners have filed this Writ Petition.

3. In this Writ Petition, the petitioners have contended that the 4th respondent ought to have filed a statutory appeal before the Divisional Commissioner, Pune Division; instead, he had approached the Hon'ble Minister. According to them, the procedure the 4th respondent adopted and directions given by the Hon'ble Minister, as well as the consequential order passed by the District Collector, could not sustain the legal scrutiny.

4. In the above context, now the petitioners on one hand and the 4th respondent on the other have negotiated the issue and filed the 'consent minutes of the order', dated 11.11.2019.

5. Heard the learned counsel on either side.

6. The consent minutes of order are taken on file. As per the consent terms, now the 4th respondent agrees to approach the Appropriate Authority, that is the Divisional Commissioner, Pune Division, and pursue his remedy.

7. As a result, I set aside the impugned order of the Hon'ble Minister as well as consequential order of the Collector. So in three weeks after this order is uploaded, the 4th respondent may approach the appropriate authority and assail the third respondent's order, dated 14.03.2016.

8. On the 4th respondent's approach, the appropriate authority will condone the delay that may have occurred by now

and entertain his plea on the merits, after following the due process of law.

Thus the writ petition stands disposed of.

The consent terms are taken on record and marked as 'X'.

[DAMA SESHADRI NAIDU, J.]