

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10908 OF 2017

Shri Suresh Hanmant Kumbhar

.. Petitioner

Vs.

State of Maharashtra & Others

.. Respondents

Mr. V. K. Bodhare for the Petitioner.

Ms.Mansi Bane, AGP for Respondent nos. 1 and 2.

Mr. Sushant S. Prabhune for Respondent nos. 3 and 4.

CORAM : A.K. MENON, J.

DATED : 17th JANUARY, 2019.

P.C. :

1. The Challenge in this petition is to the judgment dated 14th September, 2017 whereby appeal under Section 9 of the MEPS (Conditions of Service) Regulation Act, 1977 was dismissed. The services of the petitioner was terminated on 15th March, 2017 terminating his services with effect from 1st April, 2017.

2. The petitioner was appointed after an interview with effect from 15th July, 2013. However termination resulted from the failure of the Education Officer to grant approval. Upon such termination the petitioner had filed Writ Petition in this Court being Writ Petition (St)No. 23643 of 2018 which came to be disposed of on 16th August, 2018 directing the respondent nos. 1

and 2 to decide the proposals sent by the respondent no. 3 on 27th November, 2013 and 16th October, 2016 in regard to the approval of the petitioners appointment.

3. It is stated today across the bar that respondent no. 2 has granted approval vide order dated 16th October, 2018. This fact is admitted by respondent no.3. In the circumstances since the petitioner is already in service, the impugned order will have to be set aside with consequences to follow and therefore I pass the following order :

- (i) In view of the approval granted on 16th October, 2018 by the respondent no. 3, the termination of the services of the petitioner is hereby set aside.
- (ii) In consequence the impugned judgment dated 14th September, 2017 is also set aside.
- (iii) Petition disposed of in the above terms.

(A.K. MENON,J.)