

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
14 WRIT PETITION NO.4246 OF 2020

SHIVRAJ TOLBA BARSE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. V. B. Dhage h/f Mr. Anil M. Gaikwad, Advocate
for the Petitioner.

Mr. P. S. Patil, AGP for Respondents-State.

...

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATED : 07th DECEMBER, 2020.

PER COURT:-

1. We have heard the learned counsel for the petitioner.

2. The learned counsel submits that the impugned communication directing the redraw is illegal and not in consonance with the provisions of the Statute and Rules. The draws were already drawn. The objections were raised by the petitioner and the changes were made. Still communication is issued for the fresh draw, the same is illegal.

3. The learned A.G.P. appears for respondent nos. 1, 3 and 4.

4. The impugned communication is dated 05.03.2020. It is not disputed by the learned

counsel for the petitioner that after the impugned communication the draws have been drawn and the reservations are made as per the fresh lots drawn.

5. In that case, the petitioner will have to show how the reservation of the wards are not in tune with the Rules. The same is not subject matter in the present writ petition.

6. In light of that, the present writ petition cannot be considered on merits. If the petitioner is aggrieved by the reservation of the wards made pursuant to the impugned communication, it is for the petitioner to agitate against the same as is permissible under the law.

7. In that event, all contentions are kept open. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE