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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE CIVIL JURISDICTION***

***WRIT PETITION NO. 13533 OF 2018***

Dr. Reshma Rafik Desai

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents.

Mr. R.S. Apte, Senior Advocate a/w. Mr. Ketan Dhawale for the  
Petitioner

Ms. Rupali Shinde, AGP for Respondents 1 to 4.

***CORAM : NITIN JAMDAR &  
M.S. KARNIK, JJ.***

***DATE : 23 JANUARY 2020.***

**P.C. :-**

The Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal in Original Application No. 416 of 2019.

2. By the impugned order the Tribunal has observed that the claim of the Petitioner on parity would require adjudication and it is not possible for the Tribunal to undertake this exercise regarding the age of retirement.

3. The learned Senior Advocate appearing for the Petitioner submitted that the Tribunal's approach was unwarranted and the Tribunal could have decided the issue. However, this aspect has now lost its importance. We are informed that by order dated 15 January 2020 which is annexed to the affidavit-in-reply, the State Government has now communicated to the Petitioner that her request stands refused. The Tribunal had not decided the merits of the Petitioner's claim.

4. This would be a fresh cause of action for which a separate proceedings need to be taken out. Giving that liberty to the Petitioner and keeping all contentions of the Petitioner open, we dispose of this Writ Petition.

**M.S. KARNIK, J.**

**NITIN JAMDAR, J.**