

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4039 OF 2021

Subhash Janaradhan Andhale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Niteen V. Gaware, Advocate for the Petitioner.

Mr. A. R. Kale, AGP for Respondents-State.

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

DATED : 04th March, 2021.

PER COURT:-

- . We have heard Mr. Gaware, learned counsel for the petitioner.
2. The learned counsel for the petitioner submits that the respondents did not possess the competence to issue impugned circular and subsequent circular dated 21.02.2021. The learned counsel also advanced further submissions.
3. We have also heard Mr. Kale, learned A.G.P. for the respondents/State.
4. In normal course, we would have considered the arguments advanced by the learned counsel for the petitioner, however,

considering the COVID-19 pandemic situation as on the date and the daily surge of COVID-19 cases in the State of Maharashtra, at present we are not inclined to exercise our writ jurisdiction under Article 226 of the Constitution of India.

5. In case, the respondents issue similar executive instructions as assailed in the present writ petition and executive instructions dated 21.02.2021, after 31.03.2021, then the petitioner will be at liberty to assail the same. In that event, all contentions of the petitioner raised in the petition are kept open.

6. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.