

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

WRIT PETITION NO. 618 OF 2021

Machindra S/o Haribhau Warpe
and others

... Petitioners.

Versus

The State of Maharashtra
and others

... Respondents.

....

Mr. A.S. Gandhi, Advocate for the Petitioners.
Mr. S.K. Tambe, A.G.P. for all Respondents.

....

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

DATE : 15th JANUARY, 2021

PER COURT:-

1. Learned AGP accepts notice for all Respondents.
2. We have heard Mr. Gandhi, learned counsel for the petitioner and the learned AGP.
3. Mr. Gandhi, submits that the petitioners are similarly situated as the petitioners in Writ Petition No. 614 of 2020, decided under the order dated 13.01.2020.

4. For the reasons stated in the order dated 13.01.2020, we follow the same course and pass the following order.

5. The petitioners were working on Class-III posts on the date of retirement. It would cause hardship to the petitioners if the said amount is recovered. All the parameters detailed in the judgment of the Apex Court in the case of *State of Punjab and others vs. Rafiq Masih (White Washer), etc.* reported in *2015 (4) SCC 334* are attracted in the present matter.

7. In the light of the above, the impugned order of recovery is quashed and set aside. In case the respondents have recovered the amount from the petitioners, the same shall be refunded to the petitioners expeditiously and preferably within four months.

8. The Writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane