

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7592 OF 2016
IN RC/1713/2014

DR. BHARAT ANTRAM LAHANE
VERSUS
THE STATE OF MAHARASHTRA

Mr.S.B.Bhapkar, Advocate for the applicant.
Mr.P.G.Borade, AGP for the respondent.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : SEPTEMBER 14, 2021

PER COURT :

1. The applicant is the original petitioner, who has filed this civil application on 02/09/2015 praying for condonation of delay and recalling of order dated 29/09/2014 passed by the learned Registrar thereby refusing to register WP Stamp No.5331/2014 on account of non removal of office objections.

2. The learned AGP vehemently opposes the civil application on the following grounds :-

[a] The petition was filed on 27/02/2014 seeking a direction that the

petitioner be appointed in the Office of the Directorate of Aayurved (MS) Mumbai, Government Dental College and Hospital Building.

[b] The civil application was unnecessarily kept pending from 02/09/2015.

[c] No purpose will be served by restoring the writ petition since the petitioner has put forth 2 fold prayers i.e., (a) direct his appointment in the office of the respondent from a Reserved Category, or (b) direct the respondent to decide the representation dated 20/04/2012.

3. Considering the above and since the delay is not too large/inordinate, the civil application is allowed. The order of the learned Registrar dated 29/09/2014 is set aside. The writ petition Stamp No.5331/2014 is restored.

4. By the consent of the parties, the writ petition is taken up for hearing.

5. Considering the fact that the representation is 9 years old and even the petitioner is unaware as to whether there is any post reserved for a person suffering from an Ophthalmic deformity and also belonging

to NT-3D reservation, this petition is disposed off the petition by granting liberty to the petitioner as under :-

[a] The petitioner is permitted to make a representation to the respondent, on or before 15/10/2021. Such representation will be made after appropriate research on vacancies available and whether the petitioner can apply to any such vacancy.

[b] The respondent, after receiving such representation, shall make an assessment as to whether posts are vacant as is claimed by the petitioner and in the event there are such posts vacant, respondent shall move the Government for taking steps for filling in the said vacancies since it pertains to the Health Sector.

[c] We make it clear that we are not issuing any mandate to the respondent. The above directions are aimed only to ensure that the vacancies in the Health Department are filled in on priority basis by the Government.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)