

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

WRIT PETITION NO.12291 OF 2018

Krupesh Govind Mate & Ors.

...Petitioners

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. M. K. Deshpande i/by Mr. Niranjan Deshpande for Petitioner.

Mrs. S. S. Bhende, AGP for Respondent Nos.1 to 3.

Mr. N. R. Bubna, Advocate for Respondent Nos.4 and 5.

**CORAM : R. D. DHANUKA, AND
ABHAY AHUJA, JJ.**

**DATE : 29th SEPTEMBER, 2021.
(Through Video Conferencing)**

PC.:

1. Rule. Mrs. Bhende, learned AGP waives service for Respondent Nos.1 to 3 and Mr. Bubna, learned counsel for the Respondent Nos. 4 and 5 waives service. By consent of learned counsel for the respective parties, Petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the Petitioner has prayed for a writ of certiorari inter alia praying for quashing and setting aside the letter dated 20th February 2017 issued by the Respondent No.3, for quashing and setting aside the Order dated 25th January 2016 passed by the Respondent No.5, letter dated 19th January 2016 issued by the Deputy Secretary, School Education and Order dated

25th January 2016 passed by Respondent No.2.

3. Mr. Bubna, learned counsel for the Respondent Nos.4 and 5 on instructions stated that his clients have no objection, if the Orders dated 25th January 2016, 19th January 2016 and 20th February 2017 passed by the Respondent No.5 are quashed and set aside. Statement is accepted. In view of the Municipal Corporation withdrawing the said Orders dated 25th January 2016, 19th January 2016 and 20th February 2017, nothing survives in this petition.

4. The Respondent No.5 is directed to pass a fresh Order after hearing the Petitioner, after considering the submissions made by the Petitioner and after considering the documents that would be produced by the Petitioner without being influenced by the observations made in the referred above and the conclusion drawn therein. The Respondent No.5 shall consider the Judgment of this Court in case of ***Ashok Somnath Swami and others Vs. the State of Maharashtra and others in Writ Petition No.1186 of 2018*** delivered by the Aurangabad Bench and also Judgment dated 20th February 2018 delivered by the Aurangabad Bench in Writ Petition No.5648 of 2017 in case of ***Sandip Naval Ishi and others Vs. the State of Maharashtra and others*** within eight weeks from the date of hearing that would be rendered to the Petitioner. The Order shall be

communicated to the Petitioner within one week from the date of passing such Order. If the Order is adverse against the Petitioner, the Petitioner would be at liberty to file appropriate proceedings. Such adverse Order, if any, shall not be enforced by the Respondent No.5 for the period of four weeks from the date of communication of the said Order.

5. Writ Petition is disposed of in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.
6. Respondent No.5 shall issue seven days advance notice to the Petitioner before hearing.
7. Parties to act on an authenticated copy of this Order.

(ABHAY AHUJA, J.)

(R. D. DHANUKA, J.)