

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

946 WRIT PETITION NO.5541 OF 2021

**ABHILASHA BALBHIMRAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Panpatte Vs.
AGP for Respondents : Mr. S.B. Pulkundwar
Advocate for Respondent Nos.5 & 6 : Mr. V.P. Golewar

...

**CORAM : A.S. GADKARI &
S.G. MEHARE, J.J.**

DATED : 12th JANUARY, 2022

PER COURT:-

1. At the outset, learned AGP raised a preliminary objection and submitted that, in pursuance of Government Resolution dated 03.10.2017, a substantive remedy of appeal before the Divisional Deputy Director/Deputy Commissioner of VJNT, OBC and SBC Department, Maharashtra State, Pune is provided.

Learned AGP further submitted that instead of filing a representation, the petitioner ought to have filed an appeal before the concerned authority.

2. Documents annexed to the petition indicates that, the petitioner has filed a representation dated 14.03.2019 with the Secretary, VJNT, OBC and SBC Department, Maharashtra State, Pune. The petitioner in paragraph no.10 of the petition has also averred

that, she has made a representation dated 14.03.2019 against the impugned Order dated 10.01.2017 before the Secretary, VJNT, OBC and SBC, Maharashtra State at Mumbai.

3. Mr. Panpatte, learned counsel for the petitioner submitted that, representation dated 14.03.2019 preferred by the petitioner may be treated as an appeal as contemplated under Government Resolution dated 03.10.2017 and in particular in paragraph no.3 thereof.

4. A bare reading of paragraph no.3 of Government Resolution dated 03.10.2017 indicates that, there is a limitation of 15 days prescribed for preferring an appeal before the concerned authority.

It is thus clear that, the petitioner without filing appeal with the aforestated authority has simply filed a representation with the Secretary of the concerned department which may not have any sanctity as per the Government Resolution dated 03.10.2017.

5. In view of the above, we are not inclined to entertain the present petition and consider the correctness of impugned order dated 10.01.2017 passed by the respondent no.3 (Exhibit-G).

6. Facing with the said difficulty, learned counsel for the petitioner seeks leave to withdraw present petition with liberty to file a substantive appeal before the authority as mentioned in Government Resolution dated 03.10.2017 issued by the respondent

no.1.

Leave and liberty granted.

7. Petition is disposed off as withdrawn with the aforesaid liberty.

8. It is needless to mention that, this Court has not adjudicated the merits involved in the present petition and the Appellate Authority is requested to consider the said Appeal of petitioner as per the provisions of law and Rules framed thereunder. All the respondents are at liberty to raise their respective contentions before the concerned Appellate Authority at the time of hearing of the said appeal including the period of limitation.

(S.G. MEHARE. J.)

(A.S. GADKARI, J.)