

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8958 OF 2019

RAM NARAYANDASJI MAHASAHEB

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. K.V. Patil

AGP for Respondent Nos. 1 to 3 : Mr. S.G. Karlekar

Advocate for Respondent No. 4 : Mr. G.K. Chinchole h/f. Mr. S.M. Vibhute

CORAM : A.S. GADKARI & S.G. MEHARE, JJ.

DATE : 14TH FEBRUARY, 2022.

P. C. :-

1] By the present petition, petitioner is seeking continuity in service of respondent No.4 from 29.2.1982 to 30.6.1983.

2] Heard learned counsel for petitioner and learned AGP. Perused record annexed to the petition and affidavit-in-reply filed by Mr. Mahesh Shivankar, Joint Director, Technical Education, Regional Office, Aurangabad on behalf of respondent Nos. 1 to 3.

3] Record clearly indicates that, the petitioner resigned from the post of Lecturer in Maharashtra Polytechnic D-Pharmacy Institute, Nilanga, Dist. Latur, vide his application dated 2.7.1983. The resignation was not approved/accepted by the concerned Authority and in fact it was not as contemplated under Rule 46(3) of the M.C.S. (Pension) Rules,

1982. As the resignation tendered by the petitioner from the post of 'Lecturer' was not in conformity with the said Rule, he cannot be permitted to claim continuity in service for the said period.

4] There is another facet to the present petition. For the cause of action which arose on 30.6.1983, the petitioner has filed present petition in March, 2019 which is clearly hit by delay and laches. No fault of whatsoever nature, can be found with the respondents in that behalf.

5] In view thereof, we find no merits in the petition. Petition is accordingly dismissed.

[S.G. MEHARE]
JUDGE

[A.S. GADKARI]
JUDGE.

grt/-