

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

5 WRIT PETITION NO.8027 OF 2022

**DAYA PANDIT WAVHALE ALIAS DAYA ARVIND GHADGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR
AND OTHERS**

...

Advocate for Petitioners : Mr. V.M. Chate
AGP for Respondent no. 1/State : Mr. A.R. Kale
Advocate for Respondent nos. 2 to 4 : Mr. A.R. Tapse h/f. Mr. P.D.
Suryawanshi

...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : AUGUST 10, 2022.

PER COURT :

1. After hearing the learned advocates for the respective sides, this Court had passed an order on 2nd August, 2022, as under :-

"1. The Petitioner has been terminated from service and though a statutory remedy is available in the light of the Government Resolution dated 13.08.2014, the Petitioner has approached this Court. It is her case that she does not have 3 biological children. In short, she has only 2 biological children. Her husband has 1 child born out of his first marriage, who is born on 27.10.2007. Since she does not have 3 biological children, she cannot be terminated on this ground.

2. We called upon the Petitioner as to whether she herself, her husband (she is his second wife) and all the 3 children (2 purportedly belonging to the Petitioner and the husband being the father of the 3rd from his first marriage) are willing to undergo a DNA test. He stated that he desires to take instructions and if all these family members are willing to undergo the

DNA test, the Petitioner would prosecute this Petition.

3. List this Petition in the passing orders category on 10.08.2022."

2. Today, the learned advocate for the petitioner submits, on instructions, from the petitioner as well as her husband, that the petitioner desires to withdraw this petition and does not wish to take the matter any further.

3. In view of the above, this petition is dismissed, as withdrawn.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/