

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

**910 CIVIL APPLICATION NO.15172 OF 2019
IN WP/4920/2019**

**SANTOSH PANDURANG PANTOJI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

AND

**CIVIL APPLICATION NO.13696 OF 2022
IN
WRIT PETITION NO.6699 OF 2019**

**SANTOSH PANDURANG PANTOJI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

...

In both the applications :

Advocate for Applicant : Mr. S.S. Thombre
AGP for Respondent / State : Mrs. M.A. Deshpande
Advocate for Respondent Nos.3 & 4 : Mr. A.M. Gaikwad

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29-09-2022

PER COURT :

. We have heard both the sides.

2. By way of Civil Application No.15172 of 2019 the applicant is seeking clarification of the order passed by this Court on 26.04.2019 in Writ Petition No.4920 of 2019.

3. Writ Petition No.4920 of 2019 was disposed of as withdrawn by the order dated 26.04.2019, which reads thus:

“1. Learned counsel for the petitioner, on instructions prays for withdrawal of the petition with liberty to avail appropriate remedies as available under the provisions of law if so advised. The learned counsel also submits that the petitioner is in service for a considerable long period and the order of the scrutiny committee invalidating the claim may put the petitioner for serious prejudice and hardship, including apprehension to lose the employment, in which the petitioner is already employing. As such, the learned counsel prays protection in nature of status-quo, so as to enable the petitioner to avail appropriate remedies and to approach the competent forum.

2. In view of the submission of the learned counsel for petitioner the petition is allowed to be withdrawn and disposed of with liberty as prayed for.

3. The respondent Nos. 3 and 4 i.e. employers of the petitioner are directed to maintain status-quo insofar as service of the petitioner is concerned, till 10th June, 2019.”

4. It appears that pursuant to such liberty the applicant preferred Writ Petition No.6699 of 2019 putting up a challenge to the order of invalidation passed by the Scrutiny Committee on 29.05.2000.

5. While deciding Writ Petition No.6699 of 2019 by the order dated 11.06.2019, it was observed that the order passed in Writ Petition No.4920 of 2019 was not indicative of any liberty having been granted to put up a challenge to the order dated 29.05.2000.

6. In light of the above, the applicant is seeking a

clarification as regards the order dated 26.04.2019 passed in Writ Petition No.4920 of 2019 and is also seeking recalling of the order passed in Writ Petition No.6699 of 2019 so as to revive the writ petition.

7. The learned advocate appearing for respondent nos.3 and 4 as also the learned AGP are unanimous that the liberty that was contemplated while disposing of the Writ Petition No. 4920 of 2019 was to enable the applicant to put up a challenge to the order of invalidation passed on 29.05.2000.

8. In view of such a stand, we clarify that the liberty that was granted by the order dated 26.04.2019 was to enable the applicant to challenge the original invalidation order dtd.29.05.2000.

9. As a logical and legal corollary, we recall the order passed in Writ Petition No.6699 of 2019 dated 11.06.2019.

10. Both the applications are accordingly allowed and disposed of.

(SANDEEP V. MARNE, J.)

GGP

(MANGESH S. PATIL, J.)