

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7937 OF 2022**

Shaikh Mehboob Abdul Rashid Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr. S. G. Kudle for the Petitioner
Mr. K. S. Thorat, AGP for the State
Mr. Rupesh Bobade for Respondent No.3
Mr. Mohan B. Jadhav for Respondent No.6

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : SEPTEMBER 23, 2022

P.C.

1 Mr.Kudle, the learned Counsel for the Petitioner submits that inquiry deserves to be made with regard to the approval granted to the appointment of Respondent No.6. Same is *void-ab-initio*. The Petitioner seeks approval for the post of Peon w.e.f. 1st June 2000 to 31st December 2004 and for the post of Clerk w.e.f. 1st January 2005. The learned Counsel for the Petitioner submits that since beginning the name of the Petitioner is shown on record. The approval granted to Respondent No.6 is erroneous.

2 The learned Counsel for the Respondents submits that the Petitioner had earlier filed Writ Petition No.8347 of 2010. Same has been dismissed.

3 The Petitioner had filed Writ Petition No.8347 of 2010 thereby challenging the order dated 25th August 2010 and further declaring that the Petitioner is working with Respondent No.2 school as a Peon from 1st June 2000 and as a Clerk from 1st January 2005 and is entitled for all service benefits. Said Writ Petition was dismissed. The Petitioner filed Review Petition . This Court allowed the Review Petition and Writ Petition No.8347 of 2010 was restored to its original position. Subsequently, under order dated 4th April 2022 Writ Petition No.8347 of 2010 was dismissed.

4 According to the learned Counsel for the Petitioner, the Court, while dismissing the Writ Petition, did not consider the relevant aspects of the matter. In fact, the Writ Petition was admitted. The Rule is not discharged.

5 The effect of dismissal of the Writ Petition and Rule being discharged would be the same.

6 Be that as it may, the order dated 4th April 2022 in Writ Petition No.8347 of 2010 still holds the field. In light of the said order, the present Writ Petition would not be tenable. It is for the Petitioner to take steps with regard to the order dated 4th April 2022 in Writ Petition No.8347 of 2010, as may be permissible under the law.

7 With these observations, the Writ Petition is disposed of.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)