

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3885 OF 2021
WITH
INTERIM APPLICATION (ST.) NO.94707 OF 2020**

Dr.Babasaheb Mundhe Petitioner

Vs.

State of Maharashtra and Ors. Respondents

Mr.Sandeep V. Marne for the Petitioner

Mr.V.M.Mali, A.G.P. for the State

Mr.Ravindra Anbhule for the respondent nos.4 and 5

**CORAM: S.V. GANGAPURWALA &
S.M. MODAK, JJ.**

DATED : JUNE 22, 2022

P.C.

1. We have heard the learned counsel for the petitioner, respondents and the learned A.G.P.

2. The grievance of the petitioner appears to be that the service of the petitioner be treated w.e.f. 23.07.2001. Initially the petitioner was appointed on adhoc basis. It appears that there is break in service for 23 months. The

petitioner will have to first apply for condonation of break in service.

3. The learned counsel submitted that the petitioner had applied on 23.11.2009 through proper channel to the Director, Higher Education for condonation of break in service. It appears that no decision has been taken on the same. The petitioner may file application with the University seeking condonation of break in service. The University shall refer the said proposal to the Director. The Director shall consider the proposal seeking condonation of break in service in case of the petitioner expeditiously and preferably within three months from the date of receipt of the said proposal.

4. Depending upon the decision taken for condonation of break in service, further steps be undertaken. Petitioner may point out the judgment of this court to the competent authority. Till the competent authority decides the proposal seeking condonation of break in service, the impugned order dated 15.10.2020 shall not be implemented. Depending upon the decision taken by the authority upon

the proposal for condonation of break in service, further steps be taken by the parties.

5. All contentions are kept open.

6. Writ Petition is disposed of. No costs.

7. In view thereof, Interim Application does not survive.

The same also stands disposed of.

(S.M.MODAK, J.)

(S.V. GANGAPURWALA, J.)