

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.1422 OF 2022

Ms Priyanka Bhausahab Thorat
Talegaon Dabhade, Tal. Maval,
Dist. Pune

... Petitioner

Vs.

State of Maharashtra,
Thr. Dept. of School Education
Mantralaya, Mumbai and ors.

... Respondents

Mr Manoj Patil, Advocate of petitioner.

Ms S. S. Bhende, Assistant Government Pleader for respondent
Nos.1 to 6.

Mr Narendra V. Bandiwadekar, Advocate with Mr Ajinkya Navale,
Advocate for respondent Nos.7 to 9.

CORAM : A. S. CHANDURKAR AND G.A.SANAP, JJ.

DATED : APRIL 27, 2022

P.C.

The learned counsel for the petitioner on instructions seeks permission to withdraw the writ petition so as to challenge the order dated 27/01/2022 by availing statutory remedy. He further submits that since this order is dated 27/01/2022 the period spent in prosecuting this writ petition be considered and appeal if preferred be entertained on merits.

Though the learned counsel for the respondent Nos.7 and 8 opposes this contention, it is observed that if the

petitioner avails the statutory remedy alongwith an application for condonation of delay, the period spent in prosecuting the writ petition shall be excluded while determining the period of limitation. The appeal preferred shall be decided on its own merits and in accordance with law.

As regards the relief for release of arrears of salary prior to the order of termination, it is submitted that a representation in that regard along with the pay bill are pending with the Education Officer (Secondary). The Education Officer (Secondary) is free to consider the said representation on its merits and appropriate steps in that regard shall be taken.

With these observations, the writ petition is disposed of. No costs.

(G.A.Sanap, J.)

(A. S. Chandurkar, J.)

Asmita-PS