

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (W) No.1549 of 2021

In

Writ Petition No.4274 of 2016

Mr. Mahesh Sontakke S/o Krushnarao Sontakke

Versus

The State Govt., through its Principal Secretary,
Education Department, Maharashtra State,
Mantralaya, Mumbai and others

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Mr. Rajeev K. Deshpande, Advocate for
Applicant/Petitioner.

Mrs. Kalyani Deshpande, Assistant Government
Pleader for Respondent Nos.1, 2, 4, 5 and 6.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 18 FEBRUARY 2022

1. The Applicant by this Civil Application seeks to withdraw the amount of Rs.2,00,000/- deposited in this Court. The Writ Petition is pending. A Civil Application bearing No.2807 of 2018 for the same relief was filed. The Application was opposed by the State contending that if the Petition is dismissed, it will be difficult to recover the amount. The Division Bench permitted the withdrawal of only Rs.3,00,000/- on an undertaking of the

Applicant/Petitioner. The Applicant/Petitioner now seeks to withdraw the balance amount on an undertaking.

2. Once this view is taken by the earlier Bench that the balance amount should remain in deposit, again the Applicant/Petitioner cannot seek to withdraw the balance amount upon a simpliciter undertaking. If the Applicant/Petitioner is ready to furnish the security to the satisfaction of the Respondents, the Application can be considered. However, such is not the present Application.

3. The Application stands disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)