

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

WRIT PETITION NO.8783 OF 2022

Gaurishankar S/o Narayan Awote

Age: 41 Years, Occu: Service,

R/o Math Galli, Majalgaon,

Tq. Majalgaon, Dist. Beed

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Through the Secretary of Department of
General Administration, Mantralaya,
Mumbai- 32.
 2. The Commissioner and also Director,
Directorate of Municipal Administration,
Municipal Colony, Shivaji Nagar, Worli,
Mumbai, Maharashtra 400030
 3. The Divisional Commissioner,
Municipal Council Administration Department,
Divisional Commissioner Office, Aurangabad Division,
Aurangabad, Tq. & Dist. Aurangabad.
 4. The Divisional Deputy Commissioner,
Municipal Council Administration Department,
Divisional Commissioner Office, Aurangabad Division,
Aurangabad, Tq. & Dist. Aurangabad.
 5. The District Collector,
District Collector Office, Beed,
Tq. & Dist. Beed
 6. The Chief Officer,
Municipal Council, Majalgaon,
Tq. Majalgaon, Dist. Beed
- ... **RESPONDENTS**

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Advocate for Petitioner : Mr. Amar Vinayakrao Lavte

AGP for Respondents: Mr. S.B. Pulkundwar

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**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 09.06.2023

PER COURT :

Heard the learner advocate for the petitioner as also the learned AGP.

2. The petitioner who has been seeking regularization of his appointment by virtue of a Government Resolution dated 05.02.2019 was seeking consideration of a proposal by the State submitted by the Respondent No.6 - Municipal Council dated 06.03.2019. By the order dated 01.03.2021 in WP No.7384/2009 we had called upon the respondent No.2 therein who is the respondent No.4 herein to take a decision within four months. Perhaps bound by the time limit, by the impugned order dated 21.03.2022, the petitioner's proposal has been turned down with the observation that no original record was produced by him or was available with the Municipal Council.

3. The Learned advocate for the Petitioner tenders across the bar, a communication dated 13.09.2022, addressed to the Chief Officer of the Respondent No.6 - Municipal Council by the respondent No.3 calling upon all the record in respect of the petitioner, perhaps to take a decision regarding regularization. This seems to be a supervening event inasmuch as once having turned down the proposal by the impugned communication still initiative has been taken with a right earnest to do the justice by calling upon the Municipal Council - responded No.6 to produce the record and even permitting the petitioner to produce such record duly certified by the Municipal Council.

4. If such is the state of affairs, the cause of the petitioner can be served by quashing and setting aside the impugned order and by directing the Respondent No.4 to take a fresh decision by permitting the petitioner to produce the copies of the documents duly attested by the Chief Officer of the Respondent No.6 - Municipal Council.

5. We allow the Writ Petition partly, quash and set aside the impugned communication and call upon the respondent No.4 to pass a fresh order after extending sufficient opportunity to the petitioner to produce the documents.

6. The Writ Petition is disposed of.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)