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

903 WRIT PETITION NO.10726 OF 2023

DR PRADEEP MANMATAPPA DHELE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

....

Mr S. S. Thombre, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondent Nos.1 to 3
Mr Avinash Deshmukh, Advocate for Respondent No.4
Mr Kiran Salunke, Advocate for Respondent No.5

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 17th October, 2023

PER COURT:

1. We are sou-moto correcting a typographical error in paragraph No.5 of our order dated 31/08/2023 in the first sentence, wherein we have recorded in the third line as “.....*the Petitioner's wife is said to be suffering from a grave ailment*” The word “Petitioner's” be replaced by the word “5th Respondent's”. The corrected order be uploaded.

2. Pursuant to the order dated 31/08/2023, the learned A.G.P. has placed before us a copy of the communication dated 12/10/2023, from the Under Secretary, Public Health Department,

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Government of Maharashtra, addressed to the learned A.G.P., indicating that the original Applicant would be continued at Latur for his personal reasons. Though he may have to work in the office of the Deputy Director of Health, Latur, it would not amount to degrading his actual position, inasmuch as, there would be no change in his salary. For convenience, the salary would be drawn from the Udgir station and the original Applicant would continue at Latur on account of his personal reason. The said communication is marked as 'X' for identification.

3. We granted a pass over to the learned Advocate representing the original Applicant, who is present in the Court, to take instructions. After the matter was called out, the learned Advocate submits that the original Applicant is comfortable with the above arrangement. As there is no degradation of his post and salary is being protected, and keeping in view that he would be superannuating on 30/06/2024, he is agreeable to continue as such at Latur.

4. Needless to state, Original Respondent No.5/Dr. Ujwala Shivajirao Badade, who is Respondent No.4 herein, does not figure in this litigation in view of the conclusion of the learned

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Maharashtra Administrative Tribunal, Mumbai, Bench At Aurangabad that her posting is not at issue, cannot be questioned, and is left untouched.

5. With the above observations, the impugned judgment of the learned Tribunal, to the extent of the present Petitioner and the original Applicant, stands modified in the light of the communication 'X'.

6. Insofar as the salary for the period when the original Applicant did not join the duties, though there was no stay from the learned Tribunal, we leave the said aspect to be considered by the Competent Authority on the ground of the sympathy, keeping in view that the original Applicant's wife is suffering from a grave ailment.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk