

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9649 OF 2022

Prashant Keshavrao Koli

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

...

Mr. Sushant C. Yeramwar for the Petitioner.

Mr. B.V. Samant, AGP for Respondent No.1-State.

Mr. Ashish A. Alaspurakar for Respondent No.2.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 26 APRIL 2023.

P.C.:

1 The Petitioner is challenging the recovery claim.

2 It is submitted that though the caste claim of the Petitioner was invalidated, in view of the Government Resolution dated 21 December 2019 the Petitioner was taken in service and was paid as per the pay scale. Under the impugned order the same is sought to be recovered on the ground that the said salary could not even paid to the Petitioner.

3 We have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent.

4 In fact subsequently the Respondent has received the Government Resolution dated 14 December 2022 and the Respondent has also issued Circular on 24 April 2023 about the benefits regarding the annual increment, leave encashment, gratuity etc. The Respondents are required to consider the same. The same are subsequent to the impugned order.

5 In light of that we quash and set aside the impugned communication/order. The Respondent shall consider the Government Resolution dated 14 December 2022 issued by the Government and the Circular dated 24 April 2023 issued by the Respondent itself and take decision afresh.

6 The Writ Petition accordingly disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

Digitally
signed by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2023.04.28
16:42:06
+0530