

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13981 OF 2023

Dr. Sultan Sadruddin Merani and Others ... Petitioners

versus

The State of Maharashtra and Others ... Respondents

.....

Mr.Gaurav Bandiwadekar for the Petitioners.

Mr.M.M.Pabale, AGP for Respondent Nos. 1 to 3 and 5-State.

.....

CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.

DATE : 12 DECEMBER 2023

P.C.:

On 9 November 2023, the following order came to be passed:

“ The learned Counsel for the Petitioners seeks to rely upon the decision rendered by this Court in the case of Dr.Shivashree Mrutunjay Nilange and Ors. V/. The State of Maharashtra and Ors. and states that the fact situation is identical.

2. The learned AGP seeks time to take instructions and to examine as to whether the decision covers the facts of the present case.

3. Stand over to 12 December 2023”.

The learned AGP states that the assertion of the Petitioners' is correct that the impugned order in the case of *Dr.Shivashree Mrutunjay Nilange and Ors. V/s. The State of Maharashtra, Thru Chief Secretary and Ors.*¹ was a common order by which the original application in respect of the present Petitioners was also disposed of. It is correct that the order impugned in Writ Petition No. 10704 of 2023 filed by Dr.Shivashree Mrutunjay Nilange and Ors. is the same order which is challenged in the present Petition except that in Writ Petition No. 10704 of 2023 some of the Original Applicants were the Petitioners and the remaining Original Applicants are the Petitioners in the present Writ Petition. Therefore, the Writ Petition is disposed of by the same order as passed in Writ Petition No. 10704 of 2023.

2. In the light thereof, the impugned order dated 26 April 2023 is quashed and set aside. The Original Application No. 267/ 2016 of the Petitioners is restored before the Maharashtra Administrative Tribunal qua the Petitioners only.

3. We grant leave to the Petitioners to apply for amendment to incorporate the pleadings, which are mentioned in the order dated 12 October 2023 passed in Writ Petition No. 10704 of 2023, in the Original Application. After the amendment is carried out, an opportunity be given to the Respondents to file their reply.

¹ Civil Writ Petition No. 10704 of 2023 dated 12 October 2023

4. The Tribunal will consider the claim of the Petitioners in context of the challenge which we have referred to in the order dated 12 October 2023 passed in Writ Petition No. 10704 of 2023 and proceed to pass appropriate order as per law.

5. Writ Petition is accordingly disposed of in above terms.

(MANJUSHA DESHPANDE, J.) (NITIN JAMDAR, J.)