



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6201 OF 2024
IN WP/5679/2024

JYOTI RAJKUMAR UMARIYA
VERSUS
DISTRICT CASTE CERTIFICATE SCRUTINY COMMITTEE
THROUGH ITS CHAIRMAN AND ANOTHER

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Mr. M. S. Deshmukh, Advocate for the Applicant/Petitioner
Mr. V. M. Kagne, AGP for Respondent – State
Mr. A. R. Salve, Advocate for Respondent No.2

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

DATE : 02.08.2024

PER COURT :-

1. We have heard the learned Advocates for the respective sides. On 20.07.2024, we had passed the following order:-

“1. The Petitioner was before this Court in Writ Petition No. 5679 of 2024. On 18.06.2024, on tendering of the usual undertaking, we had passed an order and protected the Petitioner against termination.

2. By this Civil Application, the Petitioner points out that a letter of termination dated 13.06.2024, was prepared by the Executive Engineer, Bhusawal-Respondent No.2 herein.

The inward stamp of the Office of Deputy Executive Engineer, Bhusawal indicates the date 20.06.2024. Prior thereto, this Court had passed an order protecting the Petitioner's service.

3. The learned Advocate for the Company/Respondent No.2 submits that the Company would file an affidavit in reply to the Civil Application to indicate as to when was the order of termination served upon the Petitioner.

4. Let such affidavit in reply be filed on or before 26.07.2024.

5. By consent of the parties, list this Civil Application on 30.07.2024 in the urgent orders category.

6. We make it clear that if the order of termination has been served after passing of our order, the same would have no efficacy.”

2. The learned Advocate for the company submits on specific instructions that the order of disengagement dated 13.06.2024, was offered to the Petitioner on 20.06.2024. Without a murmur, she accepted the said order. She could have informed the authority then and there itself that she has already been granted interim relief by this Court, on 18.06.2024. She did not say anything, accepted the said order and signed upon it and left.

3. The learned Advocate for the company, on instructions, submits that since this Court has already passed an order on 18.06.2024, protecting the service of the Petitioner in view of the

affidavit undertaking filed by her, the company is willing to recall it's order dated 13.06.2024.

4. In view of the above statements, **this Civil Application would not survive and stands disposed off.**

5. Needless to state, the Petitioner would be deemed to be continued in service from 13.06.2024, onwards.

6. The Petitioner desires to join duties on Monday 05.08.2024. The Respondent company would permit her.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS