



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 WRIT PETITION NO. 1646 OF 2021

SANJAY NARAYAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. V. D. Gunale, Advocate for the Petitioner.
Mrs. M. N. Ghanekar, AGP for Respondent Nos.1 to 4 – State.
Mr. A. N. Sabnis, Advocate for Respondent Nos.5 and 6.
...

CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

DATE : 8th APRIL, 2024.

ORDER :-

. Learned AGP is pointing out that the proposal in respect of the petitioner has been decided by respondent No.3 on 01.02.2023 and communicated to respondent Nos.5 and 6 on 05.04.2023. She places the copy of the said decision and the communication on record. The same is taken on record and marked as Exhibit-'A'. In view of the said decision, learned Advocate for the petitioner seeks withdrawal of the petition to file appeal before respondent No.2, however, he also makes a request to grant liberty to keep all the points open and to approach this Court as and when occasion arises in future. He also submits that since there was no communication to the petitioner either by respondent No.3 or respondent Nos.5 and 6, the petitioner could not get knowledge about the said decision.

2. Since the decision has been given by respondent No.3 and there is a provision of appeal, definitely, the petition deserves to be allowed to be withdrawn, so that the petitioner can approach the appropriate authority. However, at the same time, if there is delay, then the appellate authority should consider that the present writ petition is pending since 2021. The liberty is granted to the petitioner by keeping open all the points to be raised before the appellate authority and to come to this Court as and when the occasion arises.

3. Accordingly, the writ petition stands disposed of as withdrawn.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm