



- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 WRIT PETITION NO. 13168 OF 2023

BALASAHEB TATYARAO THAKUR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

WITH

**CIVIL APPLICATION NO. 13253 OF 2024
IN WP/13168/2023**

BALASAHEB TATYARAO THAKUR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.N.V.Gawai, Advocate for the petitioner.

Ms.VN.Patil-Jadhav, AGP for the respondent/State.

**(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)**

DATE : DECEMBER 16, 2024

PER COURT :

1. The learned AGP seeks adjournment on the ground that she is still to get the record of the Scrutiny Committee.

2. The petitioner has been protected by way of ad-interim order in the wake of the fact that he is in employment subject to his furnishing an undertaking on affidavit not to derive any service benefits, pay fixation,

increment, promotion etc.

3. The civil application has been filed to seek clarification / modification on the ground that the respondent / employer has not been even considering petitioner's application seeking leave even for genuine reasons on the ground that leave is an attribute of service.

4. Though till the time, the petitioner is unable to secure a certificate of validity, obviously, he would be bound by the affidavit undertaken, however, it would be a far fetched interpretation of the order to mean that even he would not be entitled to claim leaves admissible to him.

5. We dispose of the civil application with a clarification that ad-interim order passed by this Court and undertaking on affidavit furnished in accordance with that order, would not disentitle the petitioner in praying for admissible leaves and even the respondents shall not treat the order as depriving him of the leaves.

6. List the writ petition on 24.02.2025 in the same category.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)