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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 11776 OF 2024  
IN  
WRIT PETITION NO. 9358 OF 2022**

Maroti s/o Shankar Lavate ....Applicant  
V/S  
The State Of Maharashtra And Ors. ...Respondents.

Mr. Shrirang S. Katneshwarkar for the Applicant.  
Mr. K. S. Thorat, 'B' Panel Counsel for the Respondent Nos. 1 to 4

**CORAM : NITIN JAMDAR &  
M. M. SATHAYE, JJ.**

**DATED : 22 AUGUST 2024**

**P.C.:**

1. Heard learned Counsel for the parties.
2. Learned Counsel for the Applicant / Original Petitioner states that while passing the order dated 6 August 2024, this Court had proceeded on the basis that in spite of repeated chances, Respondent No. 5 has not opposed the Petition and therefore relief is required to be granted and the interim order dated 6 May 2024 was confirmed. Learned Counsel for the Applicant states that the interim order dated 6 May 2024 was only part of the relief that was sought and therefore the relief granted in the final order dated 6 August 2024 is not in consonance with the reasoning part of the decision.

3. Having perused the order dated 6 August 2024 which has reproduced the earlier order, we find the contention of the Applicant to be justified.

4. We had not only noted the absence of any reply controverting the factual aspect, but also the settled position of law. Therefore, only confirming the interim order which was part of the final relief could not have been sufficient relief for the Petitioner. Accordingly, we allow the Interim Application and modify the order dated 6 August 2024 and we direct that the Petition is allowed in terms of prayer causes (B), (C) and (D), which reads thus:

*“B. By issue of writ of mandamus or direction in the like nature, the impugned order dated 22.04.2021 (Exh. L) passed by the respondent no. 2 – Deputy Director of Education, Pune Division, Pune may kindly be quashed and set aside.*

*C. By issue of writ of mandamus or direction in the like nature, the respondent no. 2-Deputy Director of Education, Pune Division, Pune may kindly be directed to include the name of petitioner in Shalarth System/Pranali and pay his arrears and salary for the period w.e.f. 01.12.2018 till today within a period of four weeks from today.*

*D. By issue of writ of mandamus or direction in the like nature, the respondent nos. 3 and 4, may please be directed to released his arrears and salary through offline process till included his name by online process.”*

5. The Application is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)