

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

**WRIT PETITION NO. 13919 OF 2024**

Shivaji Topu Rathod ...Petitioner  
Versus  
The State of Maharashtra  
Through Addl. Chief Secretary,  
Dept of Revenue And Forest And Ors. ...Respondents

...

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w Mr. Vinayak R. Kumbhar a/w Mr. Rajendra B. Khaire and Mr. Aniket S. Phapale i/b. Ms. Ashwini N. Bandiwadekar, Advocate for the Petitioner.

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Mr. Abhijeet Naik, AGP for Respondent Nos.1 and 2.

Mr. Mahesh Vardkar, Deputy Secretary, Respondent No.1 present.

Ms. Shraddha Dube Patil i/b. M/s. Jay & Co., for Respondent No.3.

...

**CORAM : RAVINDRA V. GHUGE  
&  
M.M. SATHAYE, JJ.**

**DATE :- 15<sup>th</sup> OCTOBER, 2024**

**Per Court :-**

1. On 11<sup>th</sup> October, 2024 we had passed the following order:-

“1. The learned AGP places on record a copy of the order passed by the Revenue and Forest

Department, Respondent No.1 herein, dated 10<sup>th</sup> October, 2024, by which the order of deputation issued to Respondent No.4 has been stayed, after realizing that the said post on which he was deputed, is not vacant and was already occupied by the Petitioner. The photostat copy of the said order is marked as X-1 for identification.

2. The learned Advocate for the Petitioner submits that in these circumstances, the State Government should have actually withdrawn the order of deputation.
3. The learned AGP seeks time to take instructions.
4. List this Petition for passing order, on 15<sup>th</sup> October, 2024.”

2. The learned AGP submits on instructions from Mr. Mahesh Vardkar, Deputy Secretary, Respondent No.1, that as the State Government has noticed that the Petitioner is already discharging the duties on a substantive post, steps have now been initiated to withdraw the order of deputation issued to Respondent No.3. Within 5 to 6 days, the said order would be issued and the Petitioner's grievance is, therefore, redressed.

3 In view of the statement made on instructions, **the Writ Petition stands worked out and is therefore, disposed off.**

4           Needless to state that, if the Model Code of Conduct is introduced, it would not be an impediment for the Government to issue the order in terms of the statement made before us.

**(M.M. SATHAYE, J.)           (RAVINDRA V. GHUGE, J.)**