

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

WRIT PETITION NO.9729 OF 2024

Civil Surgeon, Civil Hospital Palghar, & Ors. .. Petitioners

Vs.

Kalpesh Dhondiram Binner & Ors. .. Respondents

...

Mrs. Reena A. Salunkhe, AGP, for petitioner-state.

Ms. Vaishali Jagdale, Advocate for respondent no.4

...

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 30th AUGUST, 2024.

P.C. :

1. It is submitted by the learned Assistant Government Pleader that the Maharashtra Administrative Tribunal while granting relief to the respondents placed reliance on the decision in *Sachin Ambadas Dawale & Ors. Vs. The State of Maharashtra & Anr. (2014) 2 Mh.L.J. 36*. However, that judgment has been subsequently clarified by another Division Bench in *Mahesh Madhukar Wagh and Others Vs. State of Maharashtra and Others (2019) 6 MH.L.J. 8*. It has been observed therein that the decision in *Sachin Ambadas Dawale (supra)* was rendered in the facts of that case. It is thus urged that the Tribunal erred in granting relief to the respondents by relying upon aforesaid decision.

2. The learned Assistant Government Pleader seeks time to obtain instructions as to whether review of the impugned

judgment on this ground can be sought before the Maharashtra Administrative Tribunal. Time granted.

3. Stand over to 20/09/2024.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]