

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15232 OF 2024

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Dr. Rohan Nimbaji Borse,
Age 42 Years,
Medical Officer, Grade 'A',
Class-2, District Civil Hospital, Nashik .. Petitioner

Versus

1. State of Maharashtra
through the Department of Public Health
and 4 Ors. .. Respondents

Mr. Arif Bookwala, Senior Advocate *a/w. M.V. Thorat and Pooja V. Thorat, for Petitioner.*

Mr. B.V. Samant, Addl. Government Pleader *a/w. Smt. Vrishali Raje, AGP, for Respondent– State.*

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

Date : October 25, 2024

P. C.

1. The above Writ Petition is filed seeking a direction to Respondent No.2 to forthwith accept the Petitioner's resignation and issue a relieving order with immediate effect. This relief is sought on the basis that the Petitioner is a Government employee (Medical Officer (Group "A")), and until his resignation is accepted, he cannot contest the upcoming Maharashtra State Legislative Assembly Elections, which were notified on 15th October, 2024.

2. According to the Petitioner, he has tendered his resignation to the Competent Authority on 21st October, 2024. In the petition, the Petitioner has also annexed documents of certain authorities, namely, that of the District Civil Surgeon of Nashik, the Deputy Director, Health Services, Nashik Circle, Nashik and the Joint Director, Department of Public Health, Mumbai which state that there is no departmental enquiry pending or proposed against the Petitioner. However, it appears that there is some complaint which is pending and which we are told across the bar, is of the year 2018 or 2019. We are also shown a letter dated 22nd October, 2024, in which, the Deputy Director, Health Services, Nashik Circle, Nashik has exonerated the Petitioner and recommended that the aforesaid complaint be closed. Though the said letter does not form part of the record, the same has been tendered to the Court and a copy of the same has also been handed over to the learned Addl. Government Pleader. It is also not in dispute that one month's pay has been deposited by the Petitioner in the treasury in lieu of the notice of one month before resignation.

3. It is the grievance of the Petitioner, that despite all this compliance, the Respondents have not taken any decision on the resignation of the Petitioner who wants to contest the upcoming Maharashtra State Legislative Assembly

Elections and for which the Petitioner has to file his nomination by 3:00 p.m. on 29th October, 2024.

4. Considering these peculiar circumstances, we direct the Respondents to take a decision on the resignation letter submitted by the Petitioner as expeditiously as possible and in any event on or before 28th October, 2024 by 4:00 p.m. and inform the Petitioner of the same.

5. We now place the above matter on **29th October, 2024**, First on Board before the Vacation Bench when further orders can be passed, if required.

6. Since the aforesaid order has been dictated in Open Court, the learned Addl. Government Pleader will inform the concerned Respondents of this order without waiting for the copy to be uploaded on the High Court Server.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]