



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6780 OF 2023

SHIVPRASADRAO LAXMANRAO FUNDE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Shri Shinde Chandrakant K., Advocate for the Petitioner.
Shri S.V. Hange, AGP for Respondent Nos.1 and 2/State.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 07th February, 2025

Per Court :-

Heard both sides.

2. The petitioner stands superannuated and is awaiting pension. It is being refused on the ground that at the time of initial appointment, he was already overage and could not have been appointed. Admittedly, the issue has been dealt with by several division benches of this Court.

3. The parties are *ad idem* that the matter would lie before the State Government to consider the contention of such breach. Even by communication dated 15.02.2023 (exhibit B),

the Joint Director of Higher Education has informed the Management about the proposal having been forwarded to the State Government for condonation and further the Committee to take appropriate steps in accordance with the decision of the Government.

4. The Writ Petition is disposed of with direction to respondent No.1 to decide the proposal as mentioned in exhibit B, if it has not been already decided, as expeditiously as possible and in any case within six weeks. If the proposal is not traceable with respondent No.1, respondent No.2 shall forward a fresh one.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)