

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

WRIT PETITION NO. 133 OF 2024

Dhondappa Kundlik Sakhare ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Ajit Alange, Advocate for the Petitioner.

Mr. A.K. Naik, AGP for the Respondent – State.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 5th FEBRUARY, 2025

SUNNY
ANKUSHRAO
THOTE
Digitally signed
by SUNNY
ANKUSHRAO
THOTE
Date:
2025.02.07
12:05:03 +0530

P.C. :-

1. On 10th January, 2024, this Court had passed the following order :-

“ The Petitioner seeks a simplicitor direction to decide Petitioner's representation dated 17 July 2023. However, we note that the Petitioner is terminated from service by the Respondent-Management on the ground that there is reduction in students strength and the Petitioner has become surplus. Therefore, unless there is a challenge to this order, merely making a representation would not achieve the Petitioner's purpose. The learned Counsel for the Petitioner seeks time to examine the position as to whether substantive proceedings need to be filed in the appropriate forum.

2. *Stand over to 26 February 2024.”*

2. On 26th February, 2024, this Court had passed the following order :-

“ A request is made on behalf of the learned counsel for the Petitioner for adjournment. We have already passed order on 10 January 2024. Stand over to 16 April 2024.

2. We make it clear that if no statement is made on the next date, the Petitioner will be solely responsible for the delay that may be caused in approaching the concerned Court or Tribunal.”

3. The learned Advocate for the Petitioner submits that he has returned the brief and issued no objection to the Petitioner to engage a new Advocate in December, 2014. The learned Advocate has not taken steps for discharge in view of the Bombay High Court, Appellate Side Rules, 1960.

4. We find from this Petition that the Petitioner had approached this Court only to seek a decision on a pending representation dated 17th July, 2023. This Court has recorded on 10th January, 2024, that he has been declared surplus. As such, this Petition is rendered infructuous.

5. In view of the above, this **Writ Petition is disposed off**

with liberty to the Petitioner to avail of a remedy, as may be permissible in law, if he has a grievance on having been declared surplus or if he has any other cause of action.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)