

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CAW NO.1992/2015 IN WRIT PETITION NO.6938/2014

[Rushibaba Shikshan Prasarak Sanstha, Wanoja .vs. The State of Maharashtra and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri P.S. Patil, counsel for the petitioner,
 Shri N.R. Rode, AGP for the respondent nos.1 to 3,
 Shri P.C. Madkholkar, counsel for the respondent no.4.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 06, 2015.

Heard.

By this application, the applicant seeks a recall of the order, dated 19.3.2015.

On 19.3.2015, we had heard the parties at length and while admitting the writ petition, had stayed the impugned order during the pendency of the writ petition.

At the relevant time, Shri Khapre, Advocate had appeared on behalf of the respondent no.4. The counsel for the respondent no.4 was changed and an application for vacating the interim relief, bearing Civil Application [W] No.1894/2015, was made. At the relevant time, Shri S.D. Malke appeared for the respondent no.4. While rejecting the application for vacation of stay, this court also observed that no case was made out for granting an out of turn hearing. Again a third counsel is engaged by the respondent no.4 and this application is made for recalling the order dated 19.3.2015.

We do not find that the petitioner had concealed any material facts from the court or had not approached the court with clean hands. Since we had *prima facie* found that the impugned order was not proper, we had stayed the same during the pendency of the writ petition. Though a rival claim was made on 19.3.2015, by the

respondent no.4 that the respondent no.4 was actually running the school, an order staying the impugned order was passed, as the order of transfer of Management did not *prima facie* appeal to this court.

Successive applications cannot be filed for vacating or recalling the order dated 19.3.2015. That would result in abuse of the process of the court. Hence, the prayers made in the civil application are rejected. Civil Application stands disposed of accordingly.

JUDGE

JUDGE

Gulande