

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

CIVIL APPLICATION (CAO) NO.1025 OF 2016
AND
MISC. CIVIL APPLICATION ST. NO.11343 OF 2016

IN
WRIT PETITION NO.2340 OF 2003
Rajendra S/o Dattatraya Amlekar

..vs..

State of Maharashtra, through its Secretary, Education Department, Mumbai-32 and ors

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

Court's or Judge's Order

Shri S.P. Bhandarkar, counsel for the applicant/petitioner.
Shri Somalwar, counsel for NA Nos.3 and 4/Respondents.
Shri N.R. Rao, AGP for NA Nos.1 and 2/Respondents.

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA K. JAIN, JJ.
DATED : JULY 25, 2016.

Heard.

The writ petition, challenging denial of approval duly admitted by this Court, was dismissed in default on 15.1.2016 as learned counsel for the applicant/petitioner could not appear. The dismissal went unnoticed. Hence, there is a delay of 144 days in moving the application for restoration.

Learned Assistant Government Pleader Shri N.R. Rao for non-applicant Nos.1 and 2/respondents is seeking time to obtain instructions.

However, the reasons are supported by affidavit and we do not see any *mala fide*. Hence, we

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condone delay of 144 days.

In view of this, for the very same reasons, we recall order dated 15.1.2016 and restore Writ Petition No.2340 of 2003 back to file.

Accordingly, Civil Application (CAW) No.1025 of 2016 and Misc. Civil Application Stamp No.11343 of 2016 are both allowed and disposed of.

Learned counsel Shri Somalwar and learned Assistant Government Pleader Shri N.R. Rao waive notice of restoration of writ petition.

List the writ petition on 16.8.2016 for final hearing.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on : - 26/07/2016

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