

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

**CIVIL APPLICATION NO. 5298 OF 2018
IN
WRIT PETITION NO. 8666 OF 2017**

The Education Officer (Primary),
Zilla Parishad, Latur

... Petitioner

Versus

Navjivan Sebahnhavi Sanstha
Jamal Nagar, AUSA, Tq.AUSA,
Dist. Latur through its Secretary
and Ors.

...Respondents

Mr. U.M. Bondar, Advocate for Petitioner
Mrs. V.N. Patil-Jadhav, A.G.P. for Respondent
Mr.V.S.Panpatte, Advocate for Petitioner in W.P.

**CORAM : S.V.GANGAPURWALA AND
A.M.DHAVAL, JJ.**

DATE: APRIL 17, 2018

PER COURT :

1. This court under order dated 12th April, 2018, had issued bailable warrant to respondent No.2. In spite of service of notice of final disposal, respondent No.2 was absent. Respondent No.2 has filed the present Civil Application for recall of the said order.

2. We have heard Mr.Bondar, the learned counsel for the applicant and Mr.Panpatte, the learned counsel for the non-applicant.

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3. It has been stated in the application that the applicant did not get the knowledge of the pendency of the writ petition. The staff did not point out the notice of present matter to the Education Officer. As such, the applicant failed to appear in the matter and instruct the panel lawyer and the matter remained unattended. The applicant has tendered unconditional apology for his lapse. It is further stated that even affidavit-in-reply is filed to the writ petition by the applicant.

4. We accept the explanation given by the applicant and the unconditional apology tendered by him and also considering that he has filed reply to the main petition, we recall the order dated 12.04.2018 of issuance bailable warrant to the applicant.

5. Civil Application is disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

mta