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

**CIVIL APPLICATION NO. 8188 OF 2018
IN
WRIT PETITION NO. 1839 OF 2007**

Shaikh Mushtaq s/o Fakira
Age: 42 years, Occ: Service (V.D.O.)
Panchayat Samitee, Gangapur,
Tq. Gangapur, Dist. Aurangabad
& ors. ..APPLICANTS

VERSUS

The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32 & ors. ..RESPONDENTS

Mr M.S. Choudhari, Advocate for
applicants/petitioners;
Mr C.S. Kulkarni, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 29th JUNE, 2018

ORAL ORDER :

Heard Mr. Choudhari, learned Counsel
appearing for the applicants-petitioners.

2. Mr. Choudhari, learned Counsel invited our
attention to the order dated 7th March, 2018 passed

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by this Court. Learned Counsel submitted that as the Counsel was engaged before other Court, he was unable to prosecute the petition before the Division Bench on 7th March, 2018 and the matter was adjourned to 23rd March, 2018. He further submits that on the next date, the matter could not reach before the Court and the matter was then posted on 28th March, 2018. Learned Counsel then submits that on 28th March, 2018, for personal difficulty, he was out of station and was unable to make alternate arrangement so as to mention the matter before the Court. He then submits that absence of Counsel on 28th March, 2018 was purely unintentional and for bonafide reason. Learned Counsel submits that the petitioners have raised substantial grounds in the petition for seeking monetary benefits in the nature of grant of pay scale. He then submits that dismissal of the petition on technical ground would cause serious prejudice to the applicants-petitioners and thus, he prays for restoration of the petition.

3. Heard learned A.G.P. for respondent/State.

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4. In view of the submission of learned Counsel appearing for the applicants-petitioners and for the reasons stated in the application, the application is allowed and disposed of accordingly. Restore the Writ Petition No. 1839 of 2007 to its original file.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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