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

**CIVIL APPLICATION NO.7992 OF 2018
IN
WRIT PETITION NO.3485 OF 2013**

Dnyanoba s/o Manikrao Jaybhaye ..APPLICANT

VERSUS

The Union of India & ors. ..RESPONDENTS

Mr B.R. Warma, Advocate for applicant;
Mr R.R. Bangar, Advocate for respondents

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 5th October, 2018

ORAL ORDER:

Heard Mr Warma, learned Counsel appearing on behalf of the applicant.

2. Mr Warma submitted that the petitioner filed Writ Petition No.3485 of 2013 challenging the order dated 14th December, 2011 whereby the petitioner was dismissed from the services. It is further submitted by Mr Warma that the petitioner has raised substantial grounds in the petition and Rule is issued by this Court by order dated 17th April, 2014. By inviting our attention to the said order, Mr Warma submitted that as this Court found that arguable questions are raised, Rule is issued.

(2)

3. Mr Warma then submitted that as the applicant was engaged in agricultural activities, being the only source of his livelihood at a remote place in Osmanabad district, was unable to keep a regular contact with the Counsel. The applicant was not aware of the fact that the petition is dismissed for non removal of the office objections. Mr Warma then submitted that when the applicant got knowledge of the fact that the petition is dismissed, it took certain steps to seek legal assistance and to approach this Court by filing application. Mr Warma submits that it requires some time for the applicant-petitioner to take necessary steps. Mr Warma then submits that the delay caused in filing the application is unintentional and for bona fide reasons.

4. Mr Warma submitted that the dismissal of the petition on technical ground would cause a serious prejudice to the applicant-petitioner. As such, the Counsel prays for restoration of the petition. Mr Warma undertakes to remove the office objections within three weeks as soon as the application is allowed and the petition is restored.

5. Learned Counsel appearing on behalf of the respondents - authorities opposed the application.

6. In view of the submissions of learned Counsel Mr Warma and for the reasons stated in the application, application is allowed. Delay is condoned.

(3)

Writ Petition be restored to its file, subject to removal of office objections within three weeks from today.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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