

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

**907 CIVIL APPLICATION NO. 9910 OF 2017
IN WP/7826/2017**

**VASANTRAO VISHWANATHRAO MANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. Gapat Pramod B.
AGP for Respondents/State : Mr. S.Y. Mahajan
...

**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL, JJ.
DATE : 24.11.2018**

PC. :-

This is an application seeking intervention in the present Writ Petition No. 7826 of 2017. The applicant submits in the application that he is the founding member of Ashta Shikshan Sanstha, Ashta Kasar, Tq. Lohara, Dist. Osmanabad. It is then submitted in the application that one Mr. S.K. Tadkale possess himself as the Secretary of the institute and has also filed affidavit in reply before this Court. Perusal of the material show that the petitioner in the title clause of the petition has not referred the name of the Secretary and the Secretary of the institute is respondent no.5. In response to the notice of this Court Mr. S.K. Tadkale has filed an affidavit in reply on behalf of respondent nos.5 and 6 i.e. on behalf of the institute as well as on

behalf of the Headmaster of Ashta High School, Ashta Kasar, Tq. Lohara, Dist. Osmanabad.

2. Learned counsel Mr. D.B. Rode represents respondent nos.5 and 6 in the writ petition. The applicant in the present application made a statement that Mr. Tadkale had no concern with the society and he was posing himself to be Secretary and the act of Mr. Tadkale was disapproved in strong words by this Court. A reference is made to the judgment and order of this Court dated 19.11.2007 passed in First Appeal No. 299 of 2006 and the observations of the Court are re-produced in the application. Copies of the judgment and order in First Appeal No. 299 of 2006 is placed on record. A statement is made in the application that the judgment and order of the learned Single Judge of this Court was subjected to a challenge in Special Leave Petition and the Hon'ble Apex Court by an order dated 09.05.2017 dismissed the Special Leave Petition.

3. In view of the statements made in the application as well as in view of the order passed by the learned Single Judge of this Court and in view of the fact that the Special Leave Petition filed challenging the order of the learned Single Judge is dismissed by the Hon'ble Apex Court the application is allowed in terms of prayer clause-B. The petitioner to carry out the

amendment to the petition in view of order in Civil Application No. 9910 of 2017 within one week.

4. The learned counsel appearing for the added respondent pray for filing an additional rejoinder to place on record certain subsequent events and it is the submission of the counsel that this exercise may facilitate this Court to consider the issue raised in the petition. The learned A.G.P also prays for time to file additional rejoinder affidavits. The learned counsel appearing for the added respondent as well as the learned A.G.P to file their additional rejoinder affidavits within three weeks.

5. Post the petition for further consideration after Christmas Vacation.

[MANGESH S. PATIL, J.]

[PRASANNA B. VARALE, J.]