

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 4952 OF 2011

1 Vasant Baburao Tapase & Ors. ... Petitioners

Vs

1 State of Maharashtra & Ors. ... Respondents

Ms. Priyanka Shaw with C.K. Bhangoji i/b R.K. Mendadkar for the
Petitioner.

Mr. S.S. Panchpor, AGP, for the Respondent Nos. 1 & 2.

**CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

THURSDAY, 13TH DECEMBER, 2018

P.C. :

1 This writ petition is of the year 2011. It was dismissed for want of prosecution on 12th August, 2011, after it was listed for admission, but this Court found that none were present. Pertinently, the arguing advocate Mr. R.K. Mendadkar misplaced the papers in this matter and he requested for adjournment when the matter was listed on 29th July, 2011. Finding that he as well as the petitioner were absent, the petition came to be dismissed for want of prosecution on the above date.

2 Civil Application No. 829 of 2014 was moved for restoration and after considerable delay. In order to do substantial justice, this Court passed an order on 21st September, 2015, allowing that Civil Application for restoration and restoring the writ petition to its file. After its restoration also, the petitioner and the advocate remained absent on 26th August, 2016. It was again placed for admission, but could not be taken up. Once it was listed again before us, we inquired with Mr. Mendadkar as to whether anything survives in the petition and he would submit that the petition may have been dismissed for want of prosecution earlier, but restored by the Court itself.

3 Now what we find is that the petitioner claims to be employed with an Educational Institution. That is but one of the petitioner, namely, petitioner No.2. The writ petition is filed by three petitioners. We do not know what the two others are doing, except that the petitioner No.1 is the father of the petitioner Nos.2 and 3. The petitioner No.1 has already retired from services of the Zilla Parishad, Sangli, on 31st March, 2007. The writ petitioner Nos.2 and 3 may have been gainfully employed,

but post reference of their cases to the Committee and the rejection of their claim by the impugned order, there is nothing on record beyond an additional affidavit filed in this petition. Even that is dated 22nd June, 2011.

4 As a result of this and by sheer passage of time, the issue raised in this petition is rendered academic. The petition is, therefore, dismissed by clarifying that we have not examined the rival contentions. They are kept open for being raised in a more appropriate case.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.