

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

919 CIVIL APPLICATION NO.6790 OF 2019
IN RAST/15717/2019 WITH WP/7187/2015

THE STATE OF MAHARASHTRA AND ANR
VERSUS
RAJENDRA RAMAJI DHAWALE AND OTHERS

...
Special Counsel for Applicants : Mr. V.J. Dixit
Advocate for Respondents : Ms. P.S. Talekar h/f Shri S.B. Talekar
...

**CORAM : T.V. NALAWADE &
K. K. SONAWANE, JJ.**

DATED : 10th JULY, 2019.

ORDER :-

1. The present application is filed by the applicant-State for condonation of 35 days' delay caused in filing the application for review of the order dated 01-03-2019 passed by this Court. For condonation of delay sufficient cause is required to be shown and also that there is point or having some material for arguing the review application itself. In view of circumstance, learned Senior Counsel has asked to make out case for review of earlier order passed by this Court.

2. Learned Senior Counsel submits that post of Steno-typist, which was in existence came to be abolished due to creation of three tier system of stenographer cadre and it is not possible to create post/s of typist again. His contention is that, post of the clerk/s are available and that can be used as typist by the Judicial Officer, has no force. The work which clerk is required to do is mentioned in the order. Both the circumstances are already considered by this Court. When

Stenographer proceeds on leave, the Judge became helpless and he is again required to write the English deposition of the witness in his own handwriting. He has no other hand. Many times lady Stenographer proceed on leave for long period, more particularly, maternity leave. All these problems can be resolved at least some to extent, if post of typist is available. This Court in earlier order has already observed that in other States still there is post of typist in existence. The said post was not abolished even after creation of three tier system in other State/s. Unfortunately, the State Government is avoiding to follow the directions issued by this Court, even when sufficient time was given for that purpose. In near future, elections of Legislative Assembly will be there and the State Government probably wants to use such circumstances for avoiding to comply the order. After the order of March, 2019 there was election of Parliament. All the points, which are incorporated in the Review Application and addressed before this Court for reviewing the order, are already considered by this Court. The submissions made to that effect are not within the scope of review. So, no case is made out for condonation of delay. Therefore, application for condonation of delay caused in filing the application for review and Review Application deserve to be rejected.

3. Accordingly, both the civil applications stand disposed off. No order as to costs.

Sd/-

[K. K. SONAWANE]
JUDGE

Sd/-

[T.V. NALAWADE]
JUDGE