

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

903 CIVIL APPLICATION NO.11053 OF 2019
IN RAST/20088/2019

SECONDARY AND HIGHER SECONDARY MCVC BEED THROUGH
PRINCIPAL NARAYAN DNYANOBA BHALERAO

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Suryawanshi Kamlakar J.

AGP for Respondent Nos. 1 to 5: Mr. K.S. Patil

Advocate for petitioner in W.P. : Mr. S.S. Thombre

Advocate for respdt. No.7 in W.P.:Mr.V.V. Bhavthankar

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**CORAM : PRASANNA B. VARALE AND
AVINASH G.GHAROTE, JJ.**

DATED : 13th SEPTEMBER, 2019.

ORAL ORDER :

Heard Mr. Suryawanshi, the learned counsel for the applicant (Respondent No. 6 in Writ Petition No. 9957 of 2017).

2. By way of present application, the applicant prayed for condonation of delay caused in filing Review Application, seeking review of the order dated 23.1.2019, passed in the Writ Petition No. 9957 of 2017. It is stated in the application that the reasons assigned for the delay appears only in paragraph No. 6

of the application and it reads that 'the petitioner allowed the respondent No. 7 to join the duties on 27.10.2017'. Respondent No. 7 had given the oral assurance to the petitioner for withdrawal of the petition No. 9957 of 2017.

3. The reasons assigned for the delay clearly indicates that the applicant was well aware of the fact that the petition is filed in this Court at the instance of the petitioner. Not only this, perusal of the record shows that on 28.8.2017, the Division Bench of this Court, was pleased to issue notice to the respondents, making the same returnable on 11.9.2017. The present applicant/respondent No. 6 was served with notice and for the reasons best known to the applicant, the applicant permitted the petition to be disposed of without submitting any stand before this Court, either by filing affidavit in reply in the petition or making oral submissions before this Court and now a specific plea is raised

in the application that the petitioner had assured respondents to withdraw the petition and as such the applicant failed to appear and the file reply in the Writ Petition No. 9957 of 2017.

4. Thus, in our opinion, the ground raised for condonation of delay is nothing but a casual approach of the applicant and as such, a casual approach of the applicant who is making an attempt to take benefit of wrong committed by himself cannot be accepted by this Court.

5. The application thus, is devoid of any merits, deserves to be rejected at the threshold and the same is accordingly rejected.

(AVINASH G. GHAROTE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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