

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10858 OF 2018
IN WP/4981/2011

GURUDATTA TUKARAM KARAD
VERSUS
JAWAHAR EDUCATION SOCIETY PARLI VAIJNATH
THROUGH PRESIDENT AND OTHERS

...
Mr. S.M. Kulkarni, Advocate for petitioner
Mr. V.V. Bhavthankar, Advocate for respondent no.2
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 18-01-2019

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for applicant Mr. Kulkarni refers to that since management on earlier occasion had withdrawn their writ petition (writ petition no. 3625 of 2011) against order of his reinstatement, it had been deemed appropriate to withdraw the writ petition filed by applicant (writ petition no. 4981 of 2011) seeking incremental benefits. However, subsequently, the management had veered around and had moved for restoration of its writ petition. The same had been naturally opposed by applicant-petitioner, however, the writ petition no. 3625 of 2011 had been restored and thus, the applicant-petitioner is also interested in having revival of his writ petition.

3. Looking at the circumstances, though learned counsel for management Mr. V.V. Bhavthankar proposes to oppose, it would be equitable to consider that petition filed by applicant-petitioner as well be restored, having regard to that withdrawal of writ petition had been simultaneous and the reason of withdrawal of writ petition by present applicant had been withdrawal of writ petition of the management.

4. Civil application accordingly is allowed in terms of prayer clause (B) and is disposed of.

5. Writ petition no. 4981 of 2011 and writ petition no. 3625 of 2011 be heard together.

[SUNIL P. DESHMUKH]
JUDGE

arp/