

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

911 CIVIL APPLICATION NO.13959 OF 2019
IN WP/5701/2019

THE STATE OF MAHARASHTRA AND ORS
VERSUS
ZAKIR HUSAIN SHIKSHAN SANSTHA BEED THROUGH SECRETARY
SHAIKH AZAM HUSSAIN AND ANR

Advocate for Applicants : Mr. VM Kagne, AGP
Mr. V.S. Panpatte, Adv. For Petr In WP.

**CORAM : S.V.GANGAPURWALA &
AVINASH G.GHAROTE,JJ.**

DATED : 29th November,2019.

PER COURT:-

1. On 29th September, 2019, we have directed issuance of bailable warrant to the Education Officer. We were constrained to pass the order of issuing bailable warrant to the Education Officer as consistently, the matter was adjourned on the ground that instructions are not received to the learned AGP from the office of Education Officer, and the costs that was imposed was also not deposited.

2. Mr. Kagne, learned AGP, submits that the costs of Rs.10,000/- has been deposited and an affidavit is also filed to the main petition.

3. The learned AGP further states that the

(2)

present applicant was holding the post of Deputy Education Officer. Regular Education Officer was transferred in the month of August 2019 and additional charge was with the applicant, who is present in the court. It was only because of the communication gap, the present applicant could not appear before the court and comply with the order. Unconditional apology has been also tendered.

4. We have heard Mr. Panpatte, learned counsel for the petitioner.

5. Considering the explanation given, we accept the un-conditional apology tendered by the applicant and re-call the order dated 14.11.2019 issuing bailable warrant against the present applicant. The civil application is accordingly disposed of.

6. The amount of costs so deposited by the present applicant be transmitted to High court Advocates' Bar Library, Aurangabad.

(AVINASH G.GHAROTE,J.)

(S.V.GANGAPURWALA,J.)

BDV