

(1)

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

**CIVIL APPLICATION NO.15254 OF 2019
IN
WRIT PETITION NO.2846 OF 2009**

Abasaheb s/o Baburao Jadhav,
Age: 48 years, Occu: Service as
Assistant Teacher,
R/o. Bhagirati Stree Shikshan Vidyamandir,
Wadwali Waghadi, Taluka Paithan,
Dist. Aurangabad

..APPLICANT

VERSUS

The State of Maharashtra,
through its Secretary,
Department of Education,
Mantralaya, Mumbai & ors.

..RESPONDENTS

Mr B. L. Sagar Killarikar, Advocate for applicant;
Mr S. B. Yawalkar, A.G.P. for respondent Nos.1 & 2

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 3rd January, 2020

ORAL ORDER:

Heard Mr Killarikar, learned Counsel appearing on behalf of the applicant.

2. By way of present application, the applicant/petitioner prays for condonation of delay of 566 days caused in filing the application for restoration of writ petition, setting aside the order dated 25th April, 2018, passed by this Court, whereby the petition was dismissed in default and for restoration of the petition.

(2)

3. Learned Counsel for the applicant/petitioner invited our attention to the grounds raised in the application for condonation of delay and these grounds are reflected at para Nos.4, 5 and 6 thereof. The submission is, the applicant/petitioner is similarly circumstanced with the petitioner in Writ Petition No.2092 of 2009 and that the very petition was dismissed in default and then on an application, it was restored to file and the petition is now fixed for hearing and is shown in the cause list. Our attention is invited to the orders dated 31st August, 2018, 18th January, 2019 and 21st June, 2019, passed by the Division Bench of this Court in Writ Petition No.2092 of 2009.

4. Learned Asstt. Govt. Pleader opposes the application and submits that the inordinate delay caused in filing the application is not satisfactorily explained.

5. Though the application is opposed by learned Asstt. Govt. Pleader, considering the grounds raised in the application as well as considering the order dated 31st August, 2018, passed by the Division Bench of this Court in Writ Petition No.2092 of 2009, the present application is allowed in terms of prayer clauses (B) and (C).

The civil application is disposed of accordingly.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

sjk