

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

CIVIL APPLICATION NO.2744 OF 2021
IN
WRIT PETITION NO.2650 OF 2019

The State of Maharashtra
Through Secretary
Higher & Technical Education,
Maharashtra State, Mantralaya,
Mumbai

...APPLICANT

VERSUS

Shejal Bahuuddeshiya Shikshan Sanstha,
Samarth Nagar, Jalna,
Through its President & anr.

...RESPONDENTS

Mrs M.A. Deshpande, A.G.P. for applicant;
Mr Sujit A. Patil, Advocate holding for Mr V.D. Salunke, Advocate for
respondent No.1

**CORAM : UJJAL BHUYAN
AND
M.G. SEWLIKAR, JJ.**

DATE : 19-03-2021

PER COURT :

This Civil Application has been filed by the State for re-call of order dated 03-02-2021, passed in Writ Petition Nos.2650 of 2019 and 2651 of 2019.

2. Order dated 03-02-2021 reads as under :-

"1. Once again there is request for time to file reply. Going by the orders passed hitherto, it appears that the matters are

not being seriously looked into on behalf of concerned respondents.

2. *Stand over to 24-02-2021, subject to payment of costs of Rs.10,000/- (Rs. Ten Thousand) to the petitioner. “*

3. Mrs M.A. Deshpande, learned A.G.P. submits that there are two connected writ petitions i.e., Writ Petition Nos.2650 and 2651 of 2019. Insofar Writ Petition No.2651 of 2019 is concerned, the reply affidavit on behalf of the State was already filed when the order dated 03-02-2021 was passed. Reply affidavit in Writ Petition No.2650 of 2019 could not be filed because of miscommunication. Subsequently State has filed the reply affidavit.

4. Learned Counsel for the petitioner in Writ Petition No.2650 of 2019 submits that Court was compelled to pass this order as the State did not file reply affidavit since the year 2019.

5. Be that as it may, considering the fact that in the connected writ petition reply affidavit was already filed and in the related writ petition reply affidavit has since been filed, we are of the view that imposition of costs on the State to be paid to the petitioner may not be justified. We are further of the view that observations made that the respondents have not seriously looked into the matter may not also be justified. Accordingly, we re-call the order dated 03-02-2021.

6. Civil Application is disposed of.

(M.G. SEWLIKAR)
JUDGE

(UJJAL BHUYAN)
JUDGE

amj