

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

902 WRIT PETITION NO.13698 OF 2018
WITH CA/6564/2021 IN WP/13698/2018

GANPAT BABURAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Gunale V. D.
AGP for Respondent Nos.1 to 3-State : Mr. S. K. Tambe.
Advocate for Respondent Nos.5 & 7 : Mr. S. P. Dhoble.
Advocate for Respondent Nos.5 & 7 : Mr. Gaikwad-discharged.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 22.07.2021

PER COURT :-

1. Mr. Gaikwad, the learned advocate submits that he had entered an appearance on behalf of respondent Nos.5 and 7. However, since Mr. Dhobale has now caused his appearance, he would desire to withdraw his appearance. Shri. Dhobale confirms that he is appearing for respondent Nos.5 & 7. As such, the appearance of Mr. Gaikwad on behalf of respondent Nos.5 and 7, stands discharged.
2. Respondent Nos.5 and 7 have filed an affidavit-in-reply dated 18.07.2021. It is contended that there were certain

objections with regard to the employment of the petitioners. Respondent No.4 called for an explanation. Respondent Nos.5 and 7 have taken a stand that these petitioners were not in employment with their institution / school. As respondent No.4 had sought an explanation, such explanation was tendered on 21.09.2018 by respondent Nos.5 and 7. By order dated 23.10.2018, respondent No.4 cancelled the earlier granted administrative approval to the appointments of the petitioners.

3. This impugned order is said to have been passed *ex-parte* as the petitioners were not served with any notice of hearing, muchless a hearing having been granted.

4. Despite service of Court notice, no appearance has been entered on behalf of respondent No.4, either in person or through an advocate. It is obvious that, due to the non-cooperation of respondent No.4, the hearing in this petition cannot progress, in the light of the submissions of the petitioners that the order dated 23.10.2018 was passed by respondent No.4 without hearing them.

5. In view of the above, issue a bailable warrant in the sum of Rs.20,000/- (Rupees Twenty thousand only) to ensure the presence of respondent No.4, on 17.08.2021.

6. Insofar as Civil Application No.6564 of 2021 is concerned, the petitioners / applicants submit that as the order dated 23.10.2018 cancelling their approval was passed and was also not communicated to them till filing of the affidavit-in-reply by respondent Nos.5 and 7, on 18.07.2021 that the applicants need to amend the petition as per the proposed amendment.

7. The learned AGP and Mr. Dhobale, do not oppose since the said development has occurred just prior to the filing of this petition, which was not within the knowledge of the petitioners.

8. Consequentially, this civil application is allowed. Amendment be carried out on or before 31.07.2021 and copies of the amended petition be supplied to the learned advocates for the respondents.

9. List the petition on 17.08.2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-