

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

**CIVIL APPLICATION NO. 13693 OF 2021
IN
WRIT PETITION NO. 8054 OF 2021**

The Education Officer (Primary) .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri Shantaram R. Dheple, Advocate for the Applicant.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. P. Rathod, Advocate for Respondent Nos. 4 to 6.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 17TH DECEMBER, 2021.

FINAL ORDER :

. Mr. Dheple, the learned advocate submits that, the applicant took charge on 12.10.2021. The concerned senior assistant from his office did not bring the factum of notices served upon the Education Officer to him. The same was an additional charge.

2. The applicant has tendered unconditional apology for not appearing in the matter.

3. In fact, the applicant/respondent No. 4 was served twice. First notice before admission was served. He did not appear. Thereafter notice of final disposal was served on the Education

Officer. In spite of service of notice of final disposal none appeared for the respondent No. 4. For the third time bailable warrant was issued to secure his presence.

4. We are not convinced with the explanation given, however, considering the fact that, the applicant/respondent No. 4 was holding the additional charge and the fact that he is in service, we refrain from proceeding further. We accept the unconditional apology tendered by the applicant. Henceforth the applicant shall be diligent in attending the matters pursuant to the notices issued by the Court.

5. In the light of the above, the order dated 01.12.2021 passed in Writ Petition No. 8054 of 2021 is recalled. The civil application is disposed of.

6. It is submitted that, affidavit is filed by the Education Officer to the main writ petition.

[S. G. DIGE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 21