

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**909 CIVIL APPLICATION NO.8333 OF 2022  
IN WP/369/2021 WITH WP/369/2021**

THE EDUCATION OFFICER PRIMARY  
**VERSUS**  
THE STATE OF MAHARASHTRA THROUGH ITS DEPUTY DI-  
RECTOR OF EDUCATION AND OTHERS

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Mr. S.S. Tope, Advocate for the applicant.  
Mr. S.G. Sangle, A.G.P. for respondent No.1.  
Mr. A.D. Kulkarni, Advocate for petitioner in Petition.  
Mr. R.D. Biradar, Advocate for respondent Nos.3 to 5.

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CORAM : **RAVINDRA V. GHUGE AND  
SANDIPKUMAR C. MORE, JJ.**

DATED : 07-06-2022.

**P.C. :**

1. We had passed an order on 21-04-2022 as under :

“1. The first notice was issued by this Court on 12.06.2021. Despite service on respondent Nos. 2 to 5, none appeared. Therefore, this Court issued notice for final disposal on 16.02.2021. Yet, no appearance has been entered despite these respondent Nos.2 and 4 having been served.

2. In view of the above, we grant time to respondent Nos. 3 and 5 to enter their affidavits in reply on or before 09.06.2022.

3. Issue bailable warrant in the sum of Rs.25,000/- each to secure the presence of respondent No.2 and the Headmaster of respondent No.4, on 07.06.2022.

4. Stand over to 07.06.2022 in the "Urgent Admissions Category". All office objections shall be removed on or before 05.05.2022, failing which, this petition shall stand dismissed without reference to the Court on 06.05.2022".

2. The applicant is the same Education Officer who had not responded to the service of Court notice as is evident from the above reproduced order. He is present in the Court. An unconditional apology is tendered for having failed to respond in time. At the same time, it is stated that two clerks (names not mentioned in the memo of the application) namely Smt. Jayashree Ramrao Kamble and Shri S.I. Shaikh are, according to the Education Officer, prima facie responsible for not bringing the Court proceedings to the notice of the applicant. A show-cause notice dated 11-05-2022 has been issued to them. Their reply has been received. It is stated that action against them would be initiated within two weeks from today.

3. Considering the above and the conduct of the applicant, we are recalling our order of issuance of bailable warrant on the condition that the applicant shall deposit an amount of Rs. 5,000/- (Rupees Five Thousand) with the Advocates' Association of Bombay High Court, Bench at

Aurangabad within two weeks from today.

4. In view of the above, this Civil Application is disposed off, however, by recording that after two weeks, the Education Officer shall place before us the details of the action initiated against the two clerks.

5. The Education Officer has filed an affidavit-in-reply to the writ petition. Respondent Nos.3 and 5 intend to file an affidavit-in-reply which is ready today. Copies would be supplied to the learned Advocates for the respective sides. Office to accept the affidavit-in-reply.

6. List the Writ Petition on 22<sup>nd</sup> June 2022 in the urgent category.

(SANDIPKUMAR C. MORE, J.)

(RAVINDRA V. GHUGE, J.)