

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO.6858 OF 2020
IN WP/5354/2009

ANIL SAHEBRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr. H.F. Pawar
AGP for Respondents 1 to 3: Mr. S.G. Sangle
Advocate for Respondent No.4 : Mr. Rahul P. Savale h/f Mr. Harsha
P. Randhir

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JANUARY, 2023.**

PER COURT :-

1. By this civil application, the applicant original petitioner prays for restoration of the writ petition No. 5354 of 2009. The contention is that the petition was admitted on 23.8.2012. Earlier, the petition was dismissed for non prosecution on 14.2.2011. It was restored by an order dated 6.8.2012, passed in civil application No. 8919 of 2012. The matter was listed for final hearing. Unfortunately, the learned advocate for the petitioner did not remain present on 30.10.2017 and on 9.3.2018, leading to the dismissal of the matter. It is, therefore, prayed that as a last chance, this matter may be restored since the valuable rights of the petitioner are involved in the petition which was admitted.

2. The learned A.G.P. and the learned advocate for the respondents opposed this application.

3. In view of the above, and since the petition was admitted and pertains to grant of approval to the appointment of the petitioner, who claims to be duly selected by a selection committee, is at stake, we find that if this petition is not restored, the petitioner would be left in the lurch and would not be able to espouse his cause for seeking approval to his appointment. Serious prejudice and manifest inconvenience would be caused to the petitioner.

4. Considering the balance of convenience and in the interest of justice, we deem it appropriate to recall our order dated 9.3.2018. The writ petition is restored at the stage at which it was dismissed.

5. We are listing the petition for final hearing, on 02.03.2023.

6. The learned advocate for the applicant submits that he would donate an amount of Rs.3,000/- (Rupees Three thousand) to the Advocates' Association of Bombay High Court, Bench at Aurangabad within 4 weeks.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/