

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 REVIEW APPLICATION (CIVIL) NO.56 OF 2022
IN WP/9652/2017 WITH CA/2703/2022 IN RA/56/2022

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
MAHARASHTRA EDUCATION SOCIETY UDGIR THROUGH ITS
SECRETARY

Mr.R.N.Dhorde, Sr.Counsel a/w Mr.PS.Patil, AGP for the
Petitioner/State.

Mr.N.P.Patil Jamalpurkar, Advocate for Respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : MARCH 9, 2023

PER COURT :

1. The State of Maharashtra has preferred a review petition for seeking the review of judgment dated 20.08.2021 delivered in WP No.9652/2017.

2. The office note indicates that though the civil application has been filed for seeking condonation of delay, the application is treated to be within time. The office note further indicates that the civil application has been filed in time by exempting the period of the Covid-

19 restrictions.

3. The learned AGP submits that technically there is a delay of 68 days.

4. The learned Advocate representing the original Petitioner submits that the delay of 68 days is not properly explained. The Petitioner should explain each day's delay. Even if there is a delay of one day, there should be justification for it. An official communication between the Departments cannot be a ground for condonation of delay and the Hon'ble Supreme Court says that each and every day's delay should be explained and that the State should be treated as a normal litigant, is the submission of Shri Jamalpurkar.

5. Taking into account the Law laid down by the Hon'ble Supreme Court in **Collector, Land Acquisition Anantnag and another Vs. Mst. Katiji and others [(1987) 2 SCC 107]**, each day's delay is not required to be explained. We have also considered the Law laid down in **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others [2013(12) SCC 649]**.

6. In view of the above, since laches and oblique motives are not attributable to the conduct of the State and since the delay is neither deliberate, nor inordinate, this civil application is allowed. Delay is condoned. Office has already registered the review petition.

ORDER BELOW THE REVIEW APPLICATION

7. Issue notice to the Respondents, returnable on 13.04.2023. The learned Advocate Mr. Jamalpurkar waives service of notice on behalf of respondent Nos. 1 and 2. Let the pleadings in this matter be completed at least 10 days prior to the returnable date. Affidavits, if any, shall therefore be filed within the said time line.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)