

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

**902 CIVIL APPLICATION NO.13502 OF 2023
IN WP/13168/2023**

**BALASAHEB TATYARAO THAKUR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

...

Advocate for Applicant : Mr. A. S. Bayas h/f.
Mr. Nagsen Vijaykumar Gawai
AGP for Respondent / State : Mr. S. B. Yawalkar

...

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.**

DATE : NOVEMBER 04, 2023

PER COURT :

. This Civil Application has been filed for modification of the order dated 31.10.2023 whereby this Court had granted leave to withdraw the writ petition since the petitioner had tendered a written instructions which were marked 'X'.

2. We have heard both the sides.

3. It was the matter of challenge to the order of invalidation passed by the Scrutiny Committee under the Maharashtra Act No. XXIII of 2001.

4. The learned advocate for the applicant submits that the learned advocate who was representing the petitioner is novice. In view of the roster, the caste scrutiny matters in respect of service are assigned to the Court No.1 and only caste scrutiny matters of students are assigned to this Court. Instead of requesting the Court to remove the matter from the board, so that it could have been mentioned before the Court No.1, erroneously it was sought to be withdrawn.

5. In light of the above, it would be in the interest of justice to recall the order passed by this Court on 31.10.2023 whereby the petitioner withdrew the writ petition when, instead, he could have mentioned the matter before the court assigned with the category of the matters.

6. The Civil Application is allowed.

7. Order dated 31.10.2023 passed in Writ Petition No.13168 of 2023 is recalled.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]

GGP