



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

WRIT PETITION NO. 4230 OF 1999

ASHTVINAYAK SHIKSHAN SANSTHA AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
AGP for Respondents No.1 and 2 : Mr. A. S. Shinde
Advocate for Respondent No.3 : Mr. T. S. Lodhe holding for
Ms. Yogita S. Thorat (Kshirsagar)
Advocate for Respondent No.4 : Ms. Usha N. Jadhao
...

CORAM : S. G. MEHARE, J.

DATE : 21-02-2024

PER COURT :-

1. This Court, by order dated 31.08.1999, has granted *interim* stay in terms of prayer clause (C) of the petition. Thereafter, by order dated 27.09.2013, the petition was fixed for final hearing in the week commencing from 24.03.2014. Then, on 05.06.2017, this Court observed that none was present for the management and the original appellant. The request for listing the matter for final hearing was declined since already the matter was listed for the final hearing. This matter was listed on 06.07.2017.

2. On 31.03.2023, this Court observed that nobody was present for the petitioners. Hence, the matter was listed on 17.04.2023 at 2.30 p.m. Advocates for respective parties were requested to prepare brief synoptical notes of not more than two pages. On that day, it was made clear that in the event the petitioner did not

pursue the petition on the next date, the petition would be dismissed. On 17.04.2023, the matter was adjourned and listed on 28.04.2023. The Court again passed the order to fix the matter for the final hearing on 07.08.2023. Then, it was circulated for 06.10.2023. That day, again, nobody was present except the learned A.G.P. Therefore, taking a liberal view, the matter was listed on 01.12.2023 again. On 01.12.2023, the matter was adjourned again. On 12.01.2024, this Court again observed that nobody was present for the petitioners, and Ms. Usha Jadhav, learned counsel, has instructions to appear for respondent No.4. Time was granted to her, and the matter was listed for today.

3. Nobody appeared for the petitioners when the matter was called today. The record reveals that the petitioners have no interest in pursuing the petition. The petitioners have been enjoying *interim* stay since 1999 against the order to reinstate with back wages. Unfortunately, the respondent was not pursuing the matter properly. Considering the conduct of the petitioners and their continuous absence, the only order of this petition would be dismissal of the petition. Hence, the writ petition stands dismissed for default.

(S. G. MEHARE)
JUDGE