

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.429 OF 2025**

Archana Mohan Awale and Anr.Petitioners

Versus

The State of Maharashtra and Anr.Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire and Mr. A.S. Phapale i/b. Mrs. Ashwini N. Bandiwadekar for the Petitioners.
Mr. K.S. Thorat, B Panel Counsel for Respondent Nos.1 and 2.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.
DATE : 25th APRIL, 2025**

P.C. :-

1. The learned B Panel Counsel has tendered an additional affidavit in reply filed by Mr. Mahesh Jagannath Chothe, Deputy Director of Education, Kolhapur Region, Kolhapur, dated 24th April, 2025. He submits that the Officer has tendered an unconditional apology. At the same time, he desires to withdraw the affidavit dated 7th March, 2025 filed in this Petition.

2. We need to clarify that an affidavit once filed in the Court, can not be withdrawn. Be that as it may, he has undone the damage that was caused by the unsustainable impugned order and has granted approval to the transfer of Petitioner No.1 from the partially aided establishment to the fully aided establishment, vide

order dated 17th April, 2025. In effect, the impugned order, therefore, stands recalled.

3. Considering the above, we accept the apology tendered by the said Officer since the impugned order passed is dated 19th June, 2023, which is prior to the judgment dated 21st July, 2023 passed in *Friends Social Circle and others V/s. State of Maharashtra and others*¹.

4. This Petition is, therefore, disposed off.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

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