



379-2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (RESTORATION) NO. 379 OF 2025
IN WRIT PETITION NO. 5402 OF 2021 (D)

(Deelip Mahadeorao Tangadpalliwar Vs. Shivshakti Shikshan Sanstha Kotha (Veni), Tq. Kalamb, Dist. Yavatmal, through its President & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V.A. Kothale, Counsel for the applicant/petitioner.

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CORAM : ANIL L. PANSARE, J.
JUNE 27, 2025

By present application, the applicant is seeking to set aside order 26/3/2025 and to restore Writ Petition No. 5402/2021.

2] I have gone through the order dated 26/3/2025. The petitioner approached the School Tribunal seeking directions against the Education Officer for payment of backwages, which the School Tribunal declined on the ground that the Education Officer is not the employer. It appears from the order that the petitioner has been reinstated in service in view of settlement between the parties. This finding was held to be correct. The petition came to be dismissed because none appeared for the petitioner and that similar was the status when the matter was called on 9/12/2024.

3] Thus, the petition has been not dismissed on the count of its non-prosecution, but has been dismissed on merits as well. The statement in the order that absence of the petitioner indicates that he is not interested in prosecuting the petition, is not the sole reason for dismissal of the petition.

4] The learned Counsel for the petitioner has put forth a plea that on the day the petition was called, he could not connect through VC because of some technical

glitch at his side. On a query being put to the learned Counsel as to whether he has made any communication with the Court Sheristadar or any other responsible officer disclosing his inability to connect through VC, the learned Counsel submits that he has not informed to either Court Sheristadar or any other responsible officer.

5] If that be so, the learned Counsel and the petitioner shall place on record 'Rules of VC' and justify belated plea of connectivity.

6] Nonetheless, to give him one opportunity subject, however, of petitioner depositing Rs.50,000/- to show his *bona fides*, issue notice returnable on 21/7/2025. The amount shall be deposited within one week from today. If the amount is not deposited, the application shall stand dismissed without further reference to the Court.

(ANIL L. PANSARE, J.)

Sumit