



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

**CIVIL APPLICATION NO. 4308 OF 2026
IN WP/4392/2014**

Shivajirao Shankarrao Temkar

.. Applicant

Versus

The State Of Maharashtra
Through The Secretary And Others

.. Respondents

Mr. Umakant U. Wagh, Advocate h/f Mr. D. R. Adhav, Advocate for Applicant.

Mr. S. J. Salgare, AGP for Respondent-State.

**CORAM : KISHORE C. SANT AND
SUSHIL M. GHODESWAR, JJ.**

DATE : 28th APRIL, 2026.

PER COURT :-

1. Heard.
2. This application is for adding Assistant Executive Engineer, Khari Project, Sub Division No. 2 as a party respondent to the petition which is already disposed of by this Court by its order dated 23.01.2026.
3. It is submitted by the learned advocate for the applicant that, after the order was passed, writ of the Court is issued to respondent Nos. 1, 2 and 3. Respondent No. 2 on receiving the order wrote to Assistant Government Pleader of this Court that the

writ should have been directed to the party which is sought to be added i.e. Assistant Executive Engineer, Khari Project, Sub Division No. 2. Unless the said party is added to the petition, the order passed by this Court cannot be implemented. The learned advocate, therefore, submits that it is very much necessary to add Assistant Executive Engineer, Khari Project, Sub Division No. 2 as a party to the petition and for that purpose the order passed in the petition needs to be modified.

4. This Court has thought over the submission. However, this Court finds that, there is no ground made out to recall of the order or even for modification of the order. If the petitioner had not made proper authority as a party to the petition, it cannot be said to an error apparent on the face of record. It also cannot be said that it is just to modify the order passed by this Court. It is open for the petitioner to approach the Assistant Executive Engineer, Khari Project, Sub Division No. 2 with the writ. It is open for the said authority to act in accordance with law as the State is already made a party to the petition.

5. With this, the civil application stands disposed of.

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)