

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

M.C.A. NO.163/2015 IN WRIT PETITION NO. 6542/2014 (D)
 (THE AMRAVATI Z.P. SHIKSHAK SAHAKARI BANK LIMITED & ANOTHER **VERSUS** KIRAN
 VINAYAKRAO PATIL & OTHERS)

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

Court's or Judge's orders

Shri A.M. Ghare, counsel for the applicants.
 Shri P.S. Patil, counsel for the R-1 to 8.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : APRIL 27, 2015.

Heard.

By this application, the applicants seek a recall of the order dated 08.12.2014 so far as it upholds the objection of the respondents in regard to the availability of the alternate remedy to the petitioners under Section 91 of the Maharashtra Cooperative Societies Act, 1960.

It appears that in Writ Petition No.6542 of 2014 challenging the selection process in pursuance of the advertisement that was challenged in Writ Petition no.3345 of 2014, the petitioners had not disclosed about the order dated 21.11.2014 on Civil Application No.3439 of 2014, whereby this Court had declined to observe that the remedy for the applicants was filing a dispute under Section 91 of the Maharashtra Cooperative Societies Act, 1960.

We find that the petitioners in Writ Petition No.6542 of 2014 had not disclosed about the order dated 21.11.2014 which, if pointed out, may not have resulted in an observation in regard to the availability of an alternate remedy under Section 91 of the Maharashtra Cooperative Societies Act, 1960. Actually, the learned counsel for the petitioners ought to have pointed out the order dated 21.11.2014 to this Court.

In view of the aforesaid, we allow the miscellaneous civil application and recall the order so far as it upholds the objection in regard to the availability of the alternate remedy under Section 91 of the Maharashtra Cooperative Societies Act, 1960.

The miscellaneous civil application stands disposed of.

Writ Petition No.6542 of 2014 may be listed for hearing on 05.05.2015.

JUDGE

JUDGE

APTE