

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

Civil Application (CAO) No.234 of 2014

and

MCA St.No.1421 of 2014

in

Writ Petition No.3227 of 2013

Dr. Khizar Ahmad Khan S/o Dr. Late Mahfoozullah Khan

..vs..

**State of Mah., thr its Secretary, Animal & Fisheries Department
Mantralaya, Mumbai and ors**

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

Court's or Judge's order

Shri A.B. Mirza, counsel for the applicant/petitioner.
Shri A.S. Fulzele, AGP for R-1.

CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
DATE : JANUARY 9, 2015.

Civil Application (CAO) No.234 of 2014

Heard.

For the reasons stated in the application,
the application is allowed.

Delay is condoned.

The civil application is disposed of.

MCA St.No.1421 of 2014

Heard.

Effort is to demonstrate that guide had

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visited the petitioner at Mumbai between 6.5.2012 and 9.5.2012 to monitor his research work.

The action has been taken against the applicant/petitioner for his absence after 3.5.2012 at Akola.

The very same guide, who visited Bombay, had issued notice on 12.5.2012. The applicant/petitioner has attempted to demonstrate that, 12.5.2012, being second Saturday, notice could not have been issued on that day.

We have, while passing order on 19.11.2013, observed that the applicant/petitioner had only insisted upon compliance on the technical requirements. Then, he was not in a position to show his presence at Akola.

Today also, there is nothing on record to demonstrate the presence of the applicant/petitioner at Akola after 3.5.2012.

Learned counsel has attempted to urge that the research activity, undertaken by the applicant/petitioner, was of such a nature that

he was not expected to remain present at Akola. There is no such a plea in petition or before us. On the contrary, reply affidavit filed by respondent Nos.2 ad 3, while opposing the writ petition, specifically revealed the contention that the applicant/petitioner was not remaining present as a college student after his registration.

In this situation, no case is, therefore, made out for warranting any interference. The civil application for review is rejected.

JUDGE

JUDGE

!! BRW !!

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