

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

WRIT PETITION NO.3617 OF 2015

[Baliram s/o Mahadeo Bhivgade .vs. State of Maharashtra and 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.Z. Jibhkate, counsel for the petitioner,
Shri D.M. Kale, AGP for the respondent nos.1 to 3.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 15, 2015.

By this petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, Nagpur dated 13.3.2015 in Original Application No.777/2012.

Shri Jibhkate, the learned counsel for the petitioner, states that though the respondent no.4 had not joined on the post of Shikshan Sevak on 10.6.2010 and though the document pointing out that the respondent no.4 had not joined on the post on the said date was placed before the Tribunal, the Tribunal has not considered the said document and has not recorded any finding on the basis of the same. It is stated that since the respondent no.4 had not joined on the post on 10.6.2010, the petitioner was entitled to succeed in the original application.

Shri Kale, the learned Assistant Government Pleader, states that the respondents have reiterated on affidavit that the respondent no.4 had joined on 10.6.2010.

If the petitioner is of the view that the Maharashtra Administrative Tribunal has not recorded any finding on a material document, that was allegedly placed before the Maharashtra Administrative Tribunal, it would be necessary for the petitioner to file

a review application before the Tribunal. It would not be possible for this court to record a finding, whether the petitioner had indeed tendered the relevant document before the Tribunal to point out that the respondent no.4 had not joined on 10.6.2010 and whether the Tribunal had failed to consider this aspect despite the submission made on behalf of the petitioner.

In the aforesaid circumstances, we dispose of the writ petition, with no order as to costs. The petitioner is free to avail the appropriate remedy. The points raised in the petition are kept open.

JUDGE

JUDGE

Gulande