

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3577 OF 2016

Bhausahab Kisan Shinde

Petitioner

versus

The Union of India and others

Respondents

Mr.Chintan Y. Shah i/by Mr.Prathamesh A. Gokhale for Petitioner.
Ms.M.P.Thakur, AGP, for Respondents 2 and 8.
Mr.D.N.Mishra and Mr.Anil d. Yadav for Respondents 1 and 6.
Mr.U.P.Warunjikar for Respondent no.10.

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 30th March 2016

PC :

1. Prayer for adjournment is made by learned advocate for the Petitioner. The Petitioner is relying upon what is observed by a Division Bench of this Court in paragraph 6 of the order dated 7th March 2011 in Writ Petition No.704 of 2011.

2. It appears from page 97 of the writ petition that instead of filing an appeal before the Appellate Medical Board, the Petitioner has forwarded the appeal to Civil Surgeon, Ahamednagar, which is the Respondent no.9. The letter at page-97 shows that the appeal was received by the office of Civil Surgeon on 15th March 2011. The only grievance made in the petition is that the said appeal is not yet decided.

3. We may note the statement made on behalf of Respondent no.10 across the bar that the business of retail outlet has been already commenced by Respondent no.10.

4. Hence, the petition is disposed of by following order :

(a) We direct Respondent no.9 to forward the appeal preferred by the Petitioner to Appellate Medical Board having authority to hear the appeal. The appeal shall be forwarded by the Civil Surgeon, Ahamednagar to the Appellate Medical Board within a period of one month from the date of receipt of an authenticated copy of this order. The Civil Surgeon, Ahamednagar shall act on authenticated copy of this order;

(b) After the appeal is forwarded to the Appellate Medical Board, the same shall be decided expeditiously and in accordance with law. Needless to add that the Appellate Medical Board will have to give an opportunity of being heard to the Respondent no.10;

(c) All contentions on merits of the parties are kept open.

5. The petition is disposed of in the above terms.

(PD.NAIK, J.)

(A.S.OKA, J.)

MST