

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2429 OF 2016

IN

WRIT PETITION NO. 11384 OF 2014

Union of India, through the
Secretary and ors.

.... Applicants

vs

Shri Ganesh Wasudeo Padhal and anr.

.... Respondents

ALONG WITH

CIVIL APPLICATION NO. 2866 OF 2015

IN

WRIT PETITION NO. 11384 OF 2014

Shri Ganesh Wasudeo Padhal and anr.

..... Applicants

vs.

Union of India, through the
Secretary and ors.

..... Respondents

Mr. M. G. Burde for the Applicants in both Civil
Applications/Respondent in main Petition.Mr. Suresh Kumar with Upendra Lokegaonkar and Mr. D.A. Dube for
Respondent/Petitioner in main Petition.**CORAM: ANOOP V. MOHTA AND
A. S. GADKARI, JJ.****DATE : November 29, 2016****ORDER:**Civil Application No.2429/16 is taken out by the
Applicants/Respondents pursuant to the liberty granted by this Court

while admitting this Petition on 3.3.2015 and Civil Application No. 2866/15 is for fixation of early date of hearing.

2 Heard the learned counsel appearing for the parties.

3 We have gone through the orders including an order of Supreme Court dated 13.04.2015 where the learned counsel appearing for the Appellant in Civil Appeal No.5671/2012 prayed to withdraw the Civil Appeal itself. The Civil Appeal is accordingly dismissed as withdrawn and accordingly IA No.4/15 in Civil Appeal No. (S) 5671/2012 was also disposed of. Therefore, the Application is by the Respondents to vacate the stay in view of the liberty so granted. This is also on a submission that judgment so cited including *Commissioner of Police vs. Dhaval Singh*, (1999) 1 SCC 246 and *Jainandra Singh vs. State of Uttar Pradesh*, (2012) 8 SCC 748, are required to be considered as the law in existence on the subjects revolving around the issue of appointment and/or selection in a situation where there are suppression/concealment of relevant information namely pendency of criminal case and/or such related aspects. This itself, in our view, required to be considered at the time

of final hearing of the matter as the writ petition is already admitted. Therefore, we are inclined to fix the writ petition itself for final hearing after eight weeks.

4 Parties to file short synopsis and written submissions in the
meantime.

5 In view of above, both the Civil Applications are disposed
of.

6 No costs.

(A. S. GADKARI, J.)

(ANOOP V. MOHTA, J.)