

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 920 OF 2016**

Shri Vivek Vasant Ambre & Ors. .. Petitioners
versus
Union of India & Ors. .. Respondents

Mr. A. A. Kumbhakoni – Senior Advocate with Mr. J. M. Puranik for Petitioners.

Ms Neeta Masurkar with Mr. V. S. Masurkar and Mr. A. R. Gole for Respondents.

**CORAM: V. M. KANADE AND
M. S. SONAK, JJ.**

DATE : 21 JULY 2016

P.C.:

1] Though we had directed the respondents to file affidavit in reply pointing out whether any final decision has been taken by the respondents to scrap the selection process. The affidavit in reply does not make any assertive statement that the respondents had taken a final decision to scrap the selection process.

2] It is apparent therefore that despite an opportunity being given to the respondents to take a final decision, no such decision has been taken.

3] We are of the view that there is much substance in the submissions made by the learned counsel appearing on behalf of the petitioners that the Tribunal could not have set side the selection process on the basis of a tentative decision taken by the respondent

no. 1. Moreover, the respondents had not made any such prayer nor had filed any substantive reply seeking such relief and such relief could not have been granted in OA filed by the petitioners.

4] The impugned order therefore is set aside on this ground alone. The matter is remanded back to CAT. CAT shall consider the case of the petitioners and the respondents afresh on merits and in accordance with law as expeditiously as possible and in any case within a period of twelve weeks from today.

5] Interim order to continue till the pendency of the OA before the CAT.

6] The petition is disposed of accordingly.

(M. S. SONAK, J.)

(V. M. KANADE, J.)

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