

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3159 /2016

(Dr. Nandkishor Gunwantrao Raut vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Mr. P.S.Khubalkar, Advocate for the petitioner
Mrs. Kalyani Deshpande, Assistant Government Pleader for
Respondent Nos.1,3 and 4

CORAM : **SMT. VASANTI A.NAIK &**
MRS.SWAPNA JOSHI, JJ.

DATED : **29th June, 2016**

Heard.

By this Writ Petition, the petitioner challenges the order of the Maharashtra Administrative Tribunal, Nagpur, dated 16.1.2016, dismissing the Original Application filed by the petitioner.

It is brought to the notice of this Court by the learned Assistant Government Pleader that the issue in this case was also involved in Writ Petition No.3196/2016 and this Court has, by the order dated 27th June 2016, dismissed the said Writ Petition. It is stated that not only the issue but the facts involved in both the Petitions are almost identical. It is stated that a similar order should follow in this Petition also.

We have called for Writ Petition No. 3196/2016 and the order passed therein. We have perused the said decided Petition and the impugned order passed by the Maharashtra Administrative Tribunal therein. We have also perused the present Writ Petition and the order of the Maharashtra Administrative Tribunal passed therein. The facts involved in both the Petitions as also the issues involved therein are, as stated on behalf of the respondents, are identical. Since we have dismissed Writ Petition No.3196/2016, it would be necessary to dismiss this Writ Petition also.

Shri P.S. Khubalkar, the learned counsel for the petitioner, who was also incidentally the counsel for the petitioner in the decided case, has tendered a *pursis* in the Court today. The *pursis* is for discharge of his *Vakalatnama*. It is stated in the *pursis* that the petitioner-Dr. Nandkumar Raut, has taken away the case papers from the counsel and the counsel for the petitioner are desirous of withdrawing the *Vakalatnama*. An acknowledgment of the petitioner that he had received the case papers from the counsel is annexed to the *pursis*. Despite the fact that the papers are returned, surprisingly, neither the petitioner is personally present nor any other counsel has appeared on his behalf.

In the circumstances of the case, we are not inclined to adjourn the matter, on the basis of the *pursis* for discharge of the *Vakalatnama*. Writ Petition No.3196/2016 was argued by a learned senior counsel and since there was no merit in the said Petition, the same was dismissed. The parties cannot be permitted to adopt such measures for ensuring that the matter should not be heard by a particular Bench that had dismissed a similar matter. The conduct of the highly educated petitioner, who happens to be a Professor in Indira Gandhi Government Medical College, is not appreciated. Though we have accepted the *pursis* for discharge of *Vakalatnama*, it would not be necessary, in the circumstances of the case, to pass any specific order on the same as we are inclined to dismiss this Writ Petition on parity, for the reasons recorded in the order dated 27th June, 2016 in Writ Petition No.3196/2016 .

Hence for the reasons aforesaid, and for the reasons recorded in the order dated 27th June, 2016 in Writ Petition No.3196/2016, we dismiss the Writ Petition, with no order as to costs.

JUDGE

JUDGE

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