

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

MISC. CIVIL APPLICATION NO. 156 OF 2016
IN WRIT PETITION NO.4624 OF 2013

(Shri Krunal Dhanraj Lakade and others vs. Chief General Manager (H.R.),
MAHAGENCO and another)

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

Shri S.A. Kalbande, Advocate for applicants.
Shri A.D. Mohagaonkar, Advocate for respondents.

CORAM : B.P. DHARMADHIKARI AND
Z.A. HAQ, JJ.

DATED : APRIL 15, 2016

Prayer is to review order dated 10/1/2014
passed in Writ Petition No. 4624/2013.

Adv. Kalbande for applicants invites our
attention to specific assertion in Civil Application (O)
No. 613/2016, particularly paragraphs 4-A and 4-C,
to submit that persons with same training
qualification as possessed by the applicants have
been selected in pursuance of advertisement.

Adv. Mohagaonkar appearing for
respondents does not dispute this. He invites our
attention to advertisement itself to urge that as per
said advertisement dated 1/11/2012, the project

affected persons constitute a separate zone for consideration. 50% of the vacancies advertised were reserved for them and as per special scheme, if they have passed ITI, requisite training is given to them after their selection. He contends that thus possessing ITI qualification in a specific trade is not a condition precedent for them.

According to Adv. Kalbande, there is no such declaration or stipulation in the advertisement. He argues that even such project affected persons are required to possess the qualifications as disclosed in the advertisement.

In this situation, we allow Civil Application No. 613/2016. Necessary amendment be carried out forthwith.

When matter was taken up for hearing, both learned Counsel for the parties agreed that whether amendment is allowed or not, they are ready to argue the review application on merits.

In this situation, we find that as on 10/1/2014 when we dismissed writ petition in motion hearing, these aspects were not pointed out and could not be gone into by this Court. The advertisement does not specifically declare that project affected persons shall be treated differently. Perusal of administrative Circular No.118 dated 7/6/2010 shows

that it is prescribing a special scheme for providing employment to project affected ITI trained persons. Clauses therein also call for interpretation.

In this situation, reconsideration of entire controversy after giving parties full opportunity has become essential.

We, therefore, recall the order dated 10/1/2014 passed in Writ Petition No.4624/2013. Writ petition is restored back to file for its admission. Registry to place the matter before appropriate Bench as per roster assignment.

JUDGE

JUDGE

khj