

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.O. NO.1334/2014 IN M.C.A. ST. NO.20641/2014 IN W.P. NO. 4569/2008 (D)
(DR.ARUNKUMAR NARAYANRAO DESHMUKH VERSUS STATE OF MAHARASHTRA & ANOTHER)

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

Court's or Judge's orders

Shri R.P. Joshi, counsel for the applicant.
 Shri N.R. Rode, A.G.P. for the R-1 & 2.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : JUNE 17, 2016.

Heard. Perused the contents of the civil application.

For the reasons stated in the application, the delay in filing the review application is condoned. The civil application is allowed and disposed of.

M.C.A. ST. NO.20641/2014.

By this miscellaneous civil application, the applicant-petitioner seeks a review of the judgment dated 30.08.2013 dismissing the writ petition filed by the applicant-petitioner while upholding the order of the Maharashtra Administrative Tribunal.

Shri Joshi, the learned counsel for the applicant, states that on 30.08.2013, the learned counsel could not remain present as mistakenly, the cause list for the relevant date was not marked correctly. It is stated that the matter was not listed in the monthly cause list and since the assignment was short, due to the mistake of the counsel, the matter was not noted. It is stated that in the circumstances of the case, an opportunity of hearing is required, more so, when the document dated 21.03.1980 which throws considerable light on the controversy involved in the writ petition was not noticed by the Court. It is submitted that some other documents are also now discovered by the applicant-petitioner and in the interest of justice, it would be necessary to permit the applicant-petitioner to place them on record, so that the respondents could admit the existence of the documents and the matter could be decided.

Shri Rode, the learned Assistant Government Pleader appearing on behalf of the respondents, states that some documents are found in the record pertaining to the case of selection and appointment of the petitioner and the said documents could be tendered in this Court within a period of three weeks.

On hearing the learned counsel for the parties, we find that it would be necessary in the interest of justice to recall the judgment dated 30.08.2013. It is the case of the petitioner that his counsel was unable to mark the matter in the cause list and so the counsel could not remain present. Since it is well settled that the client should not suffer for the mistake of his counsel and since the matter pertains to the selection of the petitioner by the Maharashtra Public Service Commission on the post of Lecturer in Anesthesiology and subsequent promotions, it would be necessary to recall the judgment and list the matter for re-hearing. This would also grant an opportunity to the parties to tender the relevant material on record that was not produced before the Maharashtra Administrative Tribunal but, that could be produced in this Court, if permitted.

For the reasons aforesaid, the miscellaneous civil application is allowed. We recall the judgment dated 30.08.2013. The writ petition may be placed before the appropriate Bench for re-hearing.

JUDGE

JUDGE

APTE