

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.538 OF 2017
IN
REVIEW PETITION (L) NO.54 OF 2017
IN
WRIT PETITION NO.649 OF 2017

Director of Examination and Education
and Another ...Petitioners

vs.

Nirav Satish Joshi and Another ...Respondents

Mr. Asadullah Shaikh i/b. Rui Rodrigues, for the Petitioners
Mr. Prajot Joggi i/b. Mr. D.S. Joshi, for the Respondents

**CORAM : SHANTANU KEMKAR &
A.M. BADAR, JJ.**

**DATE : DECEMBER 13, 2017
(IN CHAMBER)**

P.C.:

. We have heard learned counsel for the parties on the Notice of Motion. For the reasons stated in the Notice of Motion, we allow the notice of Motion and condone the delay in filing the Review Petition.

2. The Notice of Motion No.538 of 2017 is disposed of.

3. Heard the learned counsel for the parties on the Review Petition.

4. The learned counsel appearing on behalf of the Review Petitioners submits that due to inadvertence it has been mentioned

on behalf of the Review Petitioners that the question involved in the Writ Petition is squarely covered by the judgment of this Court passed on 8th March, 2017 in **Writ Petition (L) No. 626 of 2017** in the case of **Swati Shantaram Bagde vs. The Controller of Examination and Others.** According to him on facts the judgment is not applicable to the present case.

5. We find that on the basis of statement made by the learned counsel for the parties that “this matter squarely covered by the judgment passed by this Court in the case of **Swati Bagde** (supra),” we disposed of this Petition without examining the merits of the matter. Since now the Review Petitioners submits that the matter is not covered by the said order, we feel it appropriate to recall our order dated 2nd May, 2017 passed in Writ Petition No.649 of 2017.

6. In view of aforesaid, the Review Petition (L) No. 54 of 2017 is allowed. The order dated 2nd May, 2017 in Writ Petition No. 649 of 2017 is recalled.

7. Let the Writ Petition No. 649 of 2017 be placed before the appropriate Bench in the next week.

(A.M. BADAR, J.)

(SHANTANU KEMKAR, J.)