

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLN. (O) NO. 640 OF 2016

IN

MISC. CIVIL APPLN. ST. NO. 6892 OF 2016

IN

WRIT PETITION NO. 3376 OF 2015 (D)

The Maharashtra Public Service Commission, Mumbai, thr.its Secretary

-vs-

Miss Shubhangi D/o Sahebrao Gurve and others

WITH

MISC. CIVIL APPLN. NO. 60 OF 2017

IN

WRIT PETITION NO. 3376 OF 2015 (D)

Nitin Purushottam Dahikar and others

-vs-

The Maharashtra Public Service Commission, thr.its Secretary and others

WITH

MISC. CIVIL APPLN. NO. 393 OF 2016

IN

WRIT PETITION NO. 3377 OF 2015 (D)

Nitin Purushottam Dahikar and others

-vs-

The Maharashtra Public Service Commission, Mumbai, thr.its Secretary and others

WITH

CIVIL APPLN. (O) NO. 639 OF 2016

IN

MISC. CIVIL APPLN. ST. NO. 6888 OF 2016

IN

WRIT PETITION NO. 3377 OF 2015 (D)

The Maharashtra Public Service Commission, Mumbai, thr.its Secretary

-vs-

Abhay S/o Dattatray Mangrulkar and others

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

Court's or Judge's Orders.

Mr.Abhay Sambre, counsel for the applicant in CAO Nos.640 & 639 of 2016.

Mr.S.S.Ghate,counsel for the applicant in MCA Nos.60 & 393 of 2016.

Mr.V.S.Kukday, counsel for the respondent Nos.2 and 3 in CAO 640 of 2016 and for respondent No.2 in MCA No.393 of 2016.

**CORAM : SMT. VASANTI A NAIK &
A. S. CHANDURKAR, JJ.**

DATE : 10.03.2017.

CIVIL APPLN.(O) NOS. 640 & 639 OF 2016

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

MISC. CIVIL APPLN. ST. NOS. 6892 & 6888 OF 2016
MISC. CIVIL APPLN. NOS. 60 OF 2017 & 393 OF 2016

The applicants seek review of the judgment dated 25/01/2016 by which this Court had partly modified the judgment dated 19/11/2014 passed by the Maharashtra Administrative Tribunal and had restored the select list dated 26/11/2013. It is submitted on behalf of the applicants that the manner in which the marks were to be awarded to the candidates had been specified in the syllabus that had been uploaded on the website. It is submitted that as per the said syllabus, 200 marks were allotted for the written examination and 50 marks for the interview. Though initially the applicant-MPSC had taken into consideration the marks obtained in the interview alone, this aspect was later on rectified. It is submitted by the learned counsel for the applicants that this aspect as regards bifurcation of the marks was not urged by them when the writ petitions were decided. It is submitted that this fact has material bearing on the outcome of the writ petitions and on that count the judgment needs to be reviewed.

The applications are opposed by Shri Kukday, learned counsel appearing for non-applicant No.1 in C.A.O.No.640 of 2016 and for non-applicant No.2 in M.C.A.

No.393 of 2016. It is submitted that the aspect regarding bifurcation of marks has been taken into consideration by this court while deciding the writ petitions. It is further submitted that even otherwise said aspect would not change the ultimate result of the proceedings. It is therefore submitted that the application for review does not deserve to be entertained.

We have heard the respective counsel. Perusal of pages-54 and 60 of Writ Petition No.3376 of 2015, indicate that it was clearly stipulated in the syllabus as to the manner in which the marks were to be awarded. As stated by the learned counsel for the applicant, this fact was not brought to the notice of the court when the writ petitions were heard. Said aspect was therefore not adverted to. Considering the fact that this material was placed on record by the non-applicant No.1 before the Maharashtra Administrative Tribunal, whose order was under challenge, said aspect was required to be taken into consideration while deciding the writ petitions. As said aspect was not urged and therefore not considered, hence, a case for recalling the judgment dated 25/01/2016 has been made out.

In view of aforesaid, the judgment dated 25/01/2016 in Writ Petition Nos.3376 and 3377 of 2015 is recalled and both the writ petitions are restored for fresh consideration. Applications are allowed and disposed of.

JUDGE

JUDGE