

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

WRIT PETITION NO. 2917 OF 2016

(Manjeetsingh s/o Dilipsingh Gulati vs. The State of Maharashtra thr. Secretary to Ministry of
Transport & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 04, 2017.**

Heard Shri N. Phadnis, learned counsel for the petitioner and Mrs. Bharti Dangre, learned Government Pleader for the respondents.

The learned GP is seeking time as instructions are still awaited.

Shri Phadnis, learned counsel points out that the application submitted by the petitioner for granting stage carriage permit to operate between Gondia (Maharashtra) and Lanji (Madhya Pradesh), has been rejected only on the ground that the application was submitted beyond stipulated time.

With his assistance we have perused the papers. It appears that initial advertisement was issued after considering the need in existence in 2009 and again the advertisement was published in 2011. The applications were to be submitted by 30.11.2011. The stage carriage need continued and a resolution was passed in the meeting of the State authority on 29.04.2013. As per that resolution, applications were to be called by 29.06.2013.

The petitioner has pointed out that this notice of invitation was published by the Road Transport Officer, Gondia in September 2013 and immediately the petitioner and others have applied.

According to the learned GP, act of Gondia RTO in publishing the notice belatedly does not result in automatic extension of last date. She insists that the last date was 29.06.2013 itself.

A perusal of Annexure 42 (Annexure F) with the petition reveals that the petitioner has been placed at Sr. Nos. 1 & 2. He has been given full marks after considering his merit. The other applicants (8 Nos.) have all been given zero marks. Because of pendency of this matter, no further advertisement for stage carriage came to be issued at any point of time. Thus, need felt in 2009 persisting in 2011 and again felt in 2013 has still not been fulfilled.

Shri Phadnis, learned counsel, upon instructions, states that even today the situation is as it is and need exists. In support, he invites our attention to an assertion in paragraph 13 of the petition.

In this situation, instead of going into the merits of the controversy, we find that the interest of justice can be met with by directing the respondents to issue fresh advertisement at the earliest, if need still exists.

Accordingly, the respondents shall arrange to publish necessary advertisement within a period of four weeks from today and process it in accordance with law and thereafter to see that the need, if any, is fulfilled as early as possible.

With these directions and keeping all rival contentions open for consideration, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE

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