

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1474 OF 2017
IN
WRIT PETITION NO.2603 OF 2013**

**The Chairman & Managing Director : Applicants/
Food Corporation of India and others Respondent Nos.2 to 4.**

In the matter between

**Vasanti D Khopte : Petitioner.
Versus
The Union of India and others : Respondents.**

**Mr. Nitin Gangal for the Applicants.
Mr. S R Nargolkar a/w Mr. Parag Shelke for the Original Petitioner.
Ms. Nisha Valani for the Respondent No.1.
Mrs. Rupal M Shinde, AGP for the Respondent/State.**

**CORAM : R. M. SAVANT &
K. K. SONAWANE, JJ.
DATE : 20th AUGUST 2018**

P.C.

1 The above Civil Application has been filed for modification of the order 13/03/2013 passed in the above Writ Petition. The said modification is sought on the ground that the issue raised in the above Writ Petition has covered by the judgment of a 3 Judge Bench of the Apex Court in the matter of Chairman and Managing Director, FCI and others v/s. Jagdish Balaram Bahira and others wherein, according to the learned counsel for the Applicants Shri Nitin Gangal the protection which was granted to the persons who were appointed on reserved category and who continued as such for a long time has been done away with by the said judgment. The learned counsel would state

that by the said judgment of the Larger Bench of the Apex Court, the earlier judgments of the Apex Court in the matter of Shalini v/s. New English High School Association and others and; Kavita Solunke v/s. State of Maharashtra and others have been overruled.

2 It is required to be noted that the Applicants – Food Corporation of India was heard when the Rule was issued in the above Writ Petition as also the interim reliefs were thereafter confirmed in June 2014. It is therefore not possible to accede to the request of the Applicants that the interim order passed by this Court be modified at this stage. However, considering the issue that has been raised in the above Writ Petition, it would be just and proper to hear the above Writ Petition itself. Hence without going into the contentions raised in the above Civil Application, we dispose of the same on the aforesaid grounds. However, the above Writ Petition to be listed for final hearing on 19/09/2018, to be placed on the supplementary board at 3.00 pm.

[K. K. SONAWANE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

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by Laxmikant
Gopal Chandan
Date: 2018.08.21
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