

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

C.A.W. No.2118 of 2018 in Writ Petition No.4934 of 2018

(Dr.Sajid Anwar s/o. Abdul Shakur .vs. All India Council for Technical Education, New Delhi and Ors.)

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

Court's or Judge's Orders

Mr.B.G.Kulkarni, Advocate for the applicant.
Mr.Nitin Lambat, Advocate for respondent no.1.
Mr.A.D.Sonak, A.G.P. for respondent no.2.
Mr.P.B.Patil, Advocate for respondent no.3.
Mr.A.C.Dharmadhikari, Advocate for respondent no.4.
Mr.M.M.Agnihotri, Advocate for respondent no.5.

CORAM : P. N. DESHMUKH &
Z. A. HAQ, JJ.

DATE : 5.10.2018.

Affidavit-in-reply of petitioner tendered at bar is taken on record and copy thereof is supplied to the learned Counsels for respondents.

Heard Mr.M.M.Agnihotri, learned Counsel for respondent no.5, the applicant in this application filed for re-calling of order dt.8.8.2018, by which this Court has by way of ad interim relief granted stay to order passed by respondent no.1/All India Council for Technical Education, New Delhi.

According to applicant/respondent no.5, in spite of order dated 13.7.2018 passed by the Division Bench of this Court in Writ Petition No.4140 of 2018 and in force, by mis-representing and without bringing said fact to the notice of the Bench hearing W.P. No.4934 of 2018, order is secured on 8.8.2018 seeking interim relief in terms of prayer clause (ii) therein.

Mr.B.G.Kulkarni, learned Counsel for the

petitioner submitted that copy of order dt.13.7.2018 passed in Writ Petition No.4140 of 2018 was filed with the petition; however, has admitted that, at the time of hearing, the said order was not brought to the notice of Court. By order dt.13.7.2018, this Court prima facie observing that respondent no.5 i.e. petitioner herein does not possess required qualification to hold the post of Principal as per order of the Standing Complaints Scrutiny Committee, dt.5.4.2018 & was involved in making appointments of teaching and non-teaching staff illegally, had granted stay with further directions to respondent no.5 to not to take any policy decision.

In that view of the matter, we find that order dt.8.8.2018 came to be passed as earlier order passed on 13.7.2018 in Writ Petition No.4140 of 2018 was not brought to the notice of the Court.

In the circumstances, we are, therefore, inclined to re-call order dt.8.8.2018 and the same is accordingly recalled.

We further clarify that any decision taken or orders passed by petitioner which are contrary to order dt.13.7.2018 passed in Writ Petition No.4140 of 2018 shall be considered in nullity. Civil Application is disposed of as allowed.

By consent of learned Counsels for the parties, petition be listed for final disposal after the pleadings are complete.

JUDGE

JUDGE

**jaiswal*

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