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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.74 OF 2019 IN
WRIT PETITION NO.792 OF 2011

Smt.Rachana Natu	...Applicant
vs.	
The State of Maharashtra	
through the Additional Chief	
Secretary (Services) & Ors.	...Respondents

Mr.A.V.Anturkar, Senior Advocate I/b Mr.Prathamesh
B. Bhargude for the applicant
Ms R.A.Salunkhe, AGP for the respondent Nos.1 and 2
Mr.A.P.Kulkarni a/w Mr.Akshay Shinde for respondent
No.3

CORAM : A.S.OKA, &
 SANDEEP K. SHINDE, JJ.
DATE : JANUARY 9, 2019

P.C.:

. Not on board. Taken on board.

1 Heard the learned senior counsel for the applicant. The order dated 17th December 2018 of which review/clarification is sought reads thus:

"Place the petition on 7.1.2019 at 3.00 p.m.
on Daily Board."

2 The learned senior counsel contended that on that day this Bench negatived the preliminary objection raised by the third respondent. Hence it may be clarified that the said objection stands overruled.

3 After hearing the learned senior counsel for the applicant and after hearing the learned counsel

for the contesting respondent, we recollect that the learned counsel for the third respondent had pointed out that two Original Applications were decided by the impugned Judgment and order. It was pointed out by the learned counsel for the third respondent that a Writ Petition was filed by the applicant in one of the two Original Applications for challenging the impugned Judgment and order which has been dismissed by this Court. He, therefore, contended that the Writ Petition filed by the applicant cannot be entertained. We recollect that there were submissions canvassed on the basis of this objection. However, we do not accept the contention of the learned senior counsel for the applicant that the said objection was decided by this Bench in as much as such objection can be decided only by a speaking order. No such order was passed. However, while adjourning the Writ Petition to 7th January 2019, this Bench expressed a view that the petition will be heard on merits on the next date.

4 Therefore, we are unable to accept the prayer made in this application [prayer clause (A)].

5 While we do so, we must observe that a situation should not have been created by which this Bench is called upon to record what transpired after the petition was called out on 17th December 2018 which is not recorded under the order of the Court. Apart from the propriety of doing such exercise, as every Bench is dealing with large

number of matters every day, it will not be appropriate to call upon the Court to recollect precisely what transpired on a particular date.

6 In view of what is observed above, we decline to entertain this application and the same is rejected.

(SANDEEP K. SHINDE,J.)

(A.S.OKA,J.)