

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

MISC. CIVIL APPLICATION (MCA) NO. 445 OF 2019(For Review)
IN
WRIT PETITION NO. 3818 OF 2015 (D)

Macchindra Narayanrao Singade

...Versus...

The State of Maharashtra through the Joint Director of Higher Education, Nagpur
Division, Nagpur and others

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

Court's or Judge's orders

Shri I.G. Meshram, Counsel for applicant
Mrs. Geeta Tiwari, A.G.P. for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 17/02/2020

1. Heard Mr. Meshram, learned Counsel for the applicant. By this application, a review of the order dated 22.09.2017, passed in Writ Petition No.3818/2015, is sought, on the contention that the grounds as mentioned in the petition, have not been considered while passing the order dated 22.09.2017. It is contended, that though the petition raised numerous grounds, only three grounds have been considered. In my opinion, there is no merit to this argument. A perusal of para 4 of the order dated 22.09.2017, would disclose that the dismissal order of the petitioner was challenged before the University and College Tribunal on three grounds, which three grounds alone were urged before this Court in Writ Petition No.3818/2015. The first was regarding that there was no prior approval of the University within the meaning of Statute 53, the

second that, the resolution passed by the Managing Committee was improper and third that the petitioner was prevented from participating or showing cause in the enquiry since he was misled by a submission made by the respondent No. 3 in another Writ Petition. All these three grounds, which were urged before this Court, have been specifically dealt with and answered by this Court, individually. It is trite that the grounds which are addressed to the Court during the course of the argument are those upon which, the Court has to render a decision. In respect of grounds which are not urged or argued when the petition is taken up for hearing, they are deemed to have been given up and the Court is not required to answer those [Common Cause .vs. UOI (2004)5 SCC 222]. In the present case, as is apparent since only three grounds were specifically urged, they have been addressed and answered by a reasoned order.

2. It is further to be noted, that in Writ Petition No. 3818/2015, Mr. R.A. Haq was appearing for the petitioner. The present review application has not been filed by him but has been filed by some other counsel, which again would be an additional ground to reject the review application.

3. In light of the above, there is no merit in this review application and the same is accordingly rejected. No costs.

JUDGE