

PMB

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

WRIT PETITION NO.3815 OF 2021

Brian Barthol Noronha

.. Petitioner

vs.

The Commissioner for Co-operation
and Registrar, Co-operative Societies and ors. .. Respondents

Mr. N.N. Bhadrashete I/b. Priyanka Bhadrashete for the Petitioner.

Mr. S.D. Rayrikar, AGP for the State.

Mr. Shantanu Raktate a/w Mr. Amar Parsekar for Respondent
No.3.

Mr. Robert Dabre for Respondent No.4.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 6, 2021

P.C.:-

Heard learned counsel for the parties.

2. It is the submission of learned counsel for the Petitioner that though Rule 58 of the Maharashtra Civil Services Rules, 1961 contemplates a personal hearing, the impugned order is passed without hearing the Petitioner. There is some dispute whether the Petitioner is heard or not. Nonetheless, in all fairness, learned counsel for the Respondent Nos.3 and 4 submitted that the

matter could be remanded by consent and an opportunity be provided to the Petitioner to make submissions before the Respondent No.2.

3. In this view of the matter, keeping all contentions open, the impugned order is set aside.

4. The Petitioner as well as Respondent Nos.3 and 4 to remain present before the Respondent No.2 on 11.08.2021 at 11.00 a.m. It is made clear that on the date fixed by the Respondent No.2- Additional Registrar, no adjournment will be sought by the Petitioner. He shall either personally remain present for the hearing or may be represented by an Advocate. The Respondent No.2 to decide the application expeditiously and in any case within a period of four weeks from 11.08.2021.

5. All contentions on merits are kept open.

6. I have not expressed any opinion on the merits of the controversy.

7. The Writ Petition is disposed of.

(M.S. KARNIK, J.)