

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

Writ Petition No. 3801/2017

Miss. Umaisa Ahmed d/o Shoel Ahmed

..VS..

The State of Maharashtra and ors.

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

Court's or Judge's Order

Shri Anil Mardikar, Senior Advocate a/w. Shri Abdul Subhan,
Advocate for the petitioner
Shri Amit Madiwale, AGP for respondent nos. 1 to 3/ State
Shri N.P. Lambat, Advocate for respondent no. 6.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : 14/06/2021

Hearing was conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2. Heard Shri Anil Mardikar, learned Senior Advocate for the petitioner.

3. Today, this petition is fixed for final hearing and also for hearing of Civil Application (CAW) No. 551/2021. Shri Abdul Subhan, learned Counsel for the petitioner, who is assisting the learned Senior Advocate though visible on screen but, he is not wearing

Advocates' Uniform.

4. The learned Senior Advocate submits that he has already reprimanded the Advocate. But regrettedly, he continues to appear on the screen without Advocate's uniform. Shri Abdul Subhan shall do well to follow the dress code, etiquettes and mannerism and till he follows the same, the final hearing of this petition is deferred.

5. Stand over to **two weeks**.

Civil Application (CAW) No. 551/2021

6. As regards this application, we find that the application suppresses material facts relating to the observations and findings recorded by this Court in the order dated 24.03.2021. Necessity of disclosure of these facts could be gauged from the prayers of the applicant.

7. The applicant prays for issuance of a direction to respondent no. 8 for issuance of admission card to the petitioner to enable her to appear at Seventh Semester Electronics and Telecommunication (New) CBS – Winter 2020 Examination commencing from 25.03.2021 and permit the petitioner to appear in the said examination.

Other relief sought in this application is as regards issuance of enrollment number to the petitioner to enable her to appear in the said examination.

8. These reliefs have been specifically asked for by Mr. Abdul Subhan, learned Counsel for the petitioner, who up till now used to appear and he had in fact argued the case for the petitioner on 24.03.2021. These reliefs were rejected by this Court by passing a speaking order passed on the same day of 24.03.2021. But these facts, as stated earlier, are not averred anywhere in the application.

9. Of course, learned Senior Advocate submits that the rejection of similar prayers was orally pointed out by him to the Bench, which heard this application initially on 21.05.2021. However, such pointing out by the learned Senior Advocate has not been reflected in the order dated 21.05.2021, rather, the Bench passed an order of issuance of notice to the respondents, returnable in the 2nd week of June, 2021.

10. All these facts and concealments give a prima facie impression that as there was a change of Bench

during Summer Vacation, the petitioner may have taken her chance before another Bench in spite of rejection of her similar prayer by this Bench on 24.03.2021. Such attempt on the the part of the petitioner is improper. If the petitioner was really aggrieved by the order dated 24.03.2021, the petitioner could have approached the Hon'ble Apex Court challenging the same or atleast could have filed a review application before this Court. But, the petitioner did not do so and took her chance by making a similar prayer with concealment of material facts from the another Bench. Such an attempt on the part of the petitioner deserves to be repelled forthwith.

11. Apart from what is stated above, even on merits, this application containing nothing but repetition of earlier submissions, which were considered and rejected by this Court, is not maintainable and thus cannot be allowed by this Court.

12. The Civil Application, therefore, stands rejected with costs of Rs.5,000/-.

JUDGE

JUDGE