

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4028 OF 2023

Rushikesh Balasaheb Kale

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

...

Mr. Ramdas H. Patil for the Petitioner.

Mr. B.V. Samant, AGP for Respondents-State.

...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATE : 26 APRIL 2023.

P.C.:

1 The Petitioner had filed Original Application before the Tribunal. In the Original Application the Petitioner had challenged the order dated 10 October 2022 permanently disqualifying the Applicant. The Tribunal by way of an interim order directed the Respondent-MPSC to consider the apology stated by the Petitioner and take decision afresh. The Respondent-MPSC thereafter on 28 February 2023 took the fresh decision. As the fresh decision was taken in the Original Application No.1264 of 2022 filed by the Petitioner is dismissed.

2 It would appear that the Petitioner had not assailed the order dated 28 February 2023 before the Tribunal. It was open for the Petitioner to amend the Original Application and challenge the same before the Tribunal.

3 As the Petitioner had not challenged the order dated 28 February 2023 the Tribunal did not have any occasion to consider the legality of the same.

4 The learned Counsel for the Petitioner submits that the Petitioner would assail order dated 28 February 2023 before the Tribunal.

5 The Petitioner may challenge the order dated 28 February 2023 before the Tribunal as may be permissible. In that event all contentions of the Petitioner are kept open. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)