

Kartikeya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10714 OF 2025

IN

WRIT PETITION (ST) NO.25500 OF 2024

Maharashtra Public Service Commission through ...Applicant
its Member Secretary

Versus

Nasareen Mahommadbhai Baraskar ...Respondent

Ms. Pranali Kakade a/w Mr. Sankalan Das, for the Applicant.

CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.

DATED: 9TH SEPTEMBER 2025.

PC:-

1. Heard.

2. Ms. Pranali Kakade, learned Counsel for the Applicant assails the order dated 08.10.2024 and a subsequent order dated 23.10.2024 issued by the Registrar (Judicial), whereby the Writ Petition being WPST/25500/2024 filed by the Applicant was removed from board by cancelling the registration on account of the fact that the second set was not filed by the Applicant.

3. The explanation for the default on the part of the Applicant has been given in Paragraph Nos.3 and 4 of the Application, which are reproduced hereinbelow :

*“3. The Applicant states that the said WPST/25500/2024 was listed for hearing before the Hon'ble Registrar of this Hon'ble Court on 8-10-2024 and 23-10-2024 wherein this Hon'ble Court directed the Petitioner to comply with the office objections. The Applicant states that the matter came to be listed for hearing on 23-10-2024 and the Advocate for Petitioner failed to appear before this Hon'ble Court as she was unaware of the listing of the said WPST/25500/2024 due to inadvertency. Hereto annexed and marked as “**Exhibit A**” is a copy of the order dated 23-10-2024 passed by this Hon'ble Court.*

4. The Applicant states that careful perusal of the order indicates that the same has been passed for compliance of office objections. The Applicant states that the Applicant had no intimation about the said matter having appeared on the board and in any case, it was due to the fault on the part of the Advocate for the Petitioner who remained absent and failed to comply with the office objections and accordingly the said Writ Petition came to be dismissed.”

4. The learned Counsel for the Applicant submits that if the Writ Petition is not restored to its original file, grave injustice would be caused to her client. After hearing the submissions made by Ms. Pranali Kakade, the learned Counsel for the Applicant, we find that the reason for non-furnishing the second copy may be attributable to the Applicant's Counsel but not the Applicant. It is possible that due to a communication gap between the learned Counsel and the Applicant, the aforesaid default has happened.

5. Thus, for the ends of justice, we are inclined to allow the prayer in the Application. Consequently, the orders dated 08.10.2024 and 23.10.2024 is hereby recalled. The Writ Petition

being WPST/25500/2024 stands restored to its original file, subject to removal of office objection within 7 days from today and second set being furnished to the Registry, failing which, the consequences as per the impugned orders dated 08.10.2024 and 23.10.2024 will follow.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)