



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

WRIT PETITION NO. 837 OF 2024

Smt. Sharda W/o Ganesh Budhe and others Vs. State of Maharashtra, through
Principal Secretary, Home Department and others

WITH

WRIT PETITION NO. 846/2024

Smt. Sharda W/o Ganesh Budhe and others Vs. State of Maharashtra, through
Principal Secretary, Home Department and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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WP No. 837/2024

Mr. S.Y.Deopujari, Advocate for petitioners.
Mr. A.A. Madiwale, AGP for respondent Nos.1 to 3
Mr. H.S. Chitaley, Adv. For Respondent Nos.4 to 20

WP No. 846/2024

Mr. S.Y.Deopujari, Advocate for petitioners.
Mr. A.A. Madiwale, AGP for respondent Nos.1 to 3
Mr. R.L. Khapre, Senior Counsel a/b Mr. Pushkar Deshpande, Adv. for respondents 26 & 32
Mr. D.M. Kakani, Advocate for respondent Nos. 4 to 25 & 27 to 31

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 22nd APRIL, 2025

1. The petitioners all of whom, had applied for the post of Police Patil pursuant to the advertisement dated 16.3.2023 (page 71) and have been unsuccessful in getting selected, are questioning the interview committee on the ground that persons, who were entitled to be a part of it, in fact, have not participated in the interview committee but deputed their subordinates, to be part of the selection committees, which position, was revealed to the petitioners after completion of the selection process, in pursuance to applications under the RTI filed by the petitioners. Mr.

Deopujari, learned Counsel for the petitioners invites our attention to the confidential report dated 22.5.2023, by the Additional Collector, Bhandara in this regard (pages 117 to 130). He further invites our attention to the affidavit in reply of respondent Nos. 2 and 3 and specifically paragraphs 8-B,C,D and E, in support of the aforesaid contention, that the enquiry committee, itself stood vitiated on account of the subordinates, being sent to be part of it. Our attention, is also invited to the GR dated 23.8.2011 (page 80) which indicates what should be the composition of the interview committee for the post of Police Patil, supporting his contention. Learned counsel for the petitioners has also tendered across the bar a table indicating the persons, who were supposed to be members of the committee and the names and designation of the persons who actually participated, which indicates the following position. The composition of the committee, and the persons who had actually participated as indicated in the chart at “X” are as under:

Committee for Bhandara

S. No	Committee Members as per G.R. dated.23.8.2011	Committee Post	Names and designations of Persons actually acted as members of interview committee
1	Sub Divisional Magistrate Bhandara	Chairman	Shri Ravindra Rathod, Sub Divisional Officer, Bhandara
2	Sub Divisional Police Officer, Bhandara (Mrs. Rashmi Rao)	Member	Shri Chandrakant Kale P.I. Police Station, Kardha (Representative)
3	Social Welfare Officer, Bhandara (Mr. Babasaheb Deshmukh)	Member	Ku. D.B. Ramteke, Social Welfare Inspector (Class-3) office of Assistant commissioner,

			Social Welfare, Bhandara (Representative)
4	Tribal Project Officer, Bhandara (Mr. Niraj More)	Member	Shri V.A. Tawade, Office Superintendent (Class-3) and Asst. Project Officer (In charge) (Representative)
5	Tahasildar, Bhandara	Member Secretary	Shri Arvind Hinge, Tahsildar, Bhandara

FOR Pauni Taluka

S. No	Committee Members as per G.R. dated 23.8.2011	Committee Post	Names and designations of Persons actually acted as members of interview committee
1	Sub Divisional Magistrate, Bhandara	Chairman	Shri Ravindra Rathod, Sub Divisional Officer, Bhandara
2	Sub Divisional Police Officer, Pauni (Mr. Sushant Singh)	Member	Shri Jagannath Girhipunje, PSI Office of SDPO Pauni (Representative)
3	Social Welfare Officer, Bhandara (Mr. Babasaheb Deshmukh)	Member	Ku. D.B. Ramteke, Social Welfare Inspector (Class 3), Office of Asstt. Commissioner, Social Welfare, Bhandara, (Representative)
4	Tribal Project Officer, Bhandara (Mr. Niraj More)	Member	Shri V.A. Tawade, Office Superintendent (Class 3) and Asst. Project Officer (In charge) (Representative)
5	Tahsildar, Pauni	Member Secretary	Smt. Nilima Rangari, Tahsildar, Pauni

2. He further invites our attention, to the reply of the respondents that the norm of marking, which were to be in

figures, has been given a go by, by awarding stars in place. It is therefore, his contention, that the entire process stood vitiated. Inviting our attention to the impugned judgment by the learned Maharashtra Administrative Tribunal, Nagpur dated 05.10.2023 (page 49) he submits, that the judgment does not consider the glaring discrepancy, in the interview committees as is indicated from a perusal of para 23 (page 67) of the impugned judgment on account of which non consideration, the impugned judgment according to him, cannot be sustained. He in fact, supports the order dated 30.06.2023 by the State (page 135), whereby the entire selection process for the post of Police Patil in terms of the aforesaid advertisement was cancelled and a fresh process, was directed to be commenced and consequent termination orders of the respondents dated 04.7.2023 also on the above ground. He relies upon the decision of Hon'ble Apex Court in the case of *Ramjit Singh Kardam and Ors Vs. Sanjay Kumar and Ors, 2020 Vol.20 SCC 209* (para 40) and contend that participation in an interview process by itself would not stop the participant from questioning the composition of the selection committee.

3. Mr. Khapre, learned senior counsel for the respondents Nos. 26 and 32 in Writ Petition No. 846/2024 who are selected candidates, Mr. Kakani, learned Counsel for respondent Nos. 4 to 34 except 26 and 32 and Mr. Chitale, learned Counsel for respondent Nos. 4 to 20 in Writ Petition No. 837/24 support the impugned decision of the MAT.

4. Mr. Khapre, learned senior counsel for respondents submits, that no objection whatsoever were raised by the petitioners either before the Collector, or before any other authority, regarding the composition of the selection committee and therefore, they are now estopped from questioning the same as they have taken a chance by participating therein. He further invites our attention to the report of the Additional Collector (page 117) to contend, that the question of composition of the selection committee was never raised before it and therefore, it does not speak anything in that regard. He relies upon *Barot Bijaykumar Balakrishna and Ors Modh. Vinaykumar Dasrathlal and Ors 2011 (7) SCC 308* (para 24) in support of his contention and further submits, that since marks in the written test were not disclosed, prior to the interview, but only the list of roll numbers of person who had cleared the cut off mark was published for the interviews to be conducted the question of malafides regarding the committee having access to the marks given in written test so as to allot marks in the interview favourable to the candidate did not arise, at all. He further relies upon *Madan Lal and ors Vs. State of J&K and Ors, 1995(3)SCC 486*(para 9); *Chandraprakash Tiwari Vs. Shakuntala Shukla 2002(6)SCC 127* (para 34); *Padmini Singh Vs. State of Assam 2018(10)SCC 561* (para 13); *Rukmina Rajesh Dange Vs. Kailash 2019 (SCC Online Bom. 820)* (para 9) in support of his contention. Reliance is also placed upon State of *State of Uttar Pradesh Vs. Karunesh Kumar, 2022 SCC Online 1706* (para 21) to contend that once a person has participated in the selection process, he

cannot be permitted to turn back and question the composition of the selection committee. He therefore, submits, that since the petitioners without questioning the composition of the selection committee had participated in the interviews, that would entail waiver of the right and thereby create an estoppel against the petitioners who cannot now be permitted, to question the composition of the selection committee. It is even otherwise contended that authorities, always have the power to sub-delegate power and there was nothing wrong, if some members of the selection committee further delegated their power to their subordinates. It is further contended, that the composition of the interview committee, vis a vis the GR dated 23.08.2011 (page 82) could have very well been verified by the petitioners, before or at the time of the interview been conducted and if the petitioners were not satisfied with its composition they could have refused to be interviewed. It is also contended that the petitioners cannot be held to be unaware as to who in terms of the GR dated 23.8.2011 were required to be members of the interview committee. ***Ramjit Singh Kardam and Ors Vs. Sanjay Kumar and Ors*** (supra) according to learned Senior Counsel is not applicable to the facts of the matter for which he relies upon para 44 therein. He further submits that there are no pleadings in the complaints, regarding the composition of the interview committee.

5. Mr. Kakani, learned counsel for respondent Nos. 4 to 34 except 26 and 32, while supporting the above

arguments invites our attention to page 118 of the report and the nature of complaints as indicated therein to contend, that there were no complaints regarding the composition of the interview committee whatsoever. He submits that in so far as the report of the Additional Collector (page 121) is concerned, most of the opinion in it according to him, was the personal opinion of the collector, as he was not appointed for that purpose. He submits that since written examination held on 08.04.2023, only roll numbers of persons, who had secured the cut off marks was published on 09.4.2023 for the purpose of conducting the interview which were held between 10.4.2023 to 12.4.2023 and since the results of the interview was signed by all the committee members as well as persons deputed by them, nothing untoward, can be attributed to the selection. He further submits that Mr. Sushant Singh, the SDPO was present in the first half of the interview and since he had received a call, had left by deputing PSI Mr. Giripunje in his place. He further submits that all pencil notings regarding the marks recorded by the members of the committee have been destroyed as there was no requirement to preserve them, which is reflected from the communication dated 08.5.2023 (page 479). He also contends, that throughout the State, it is a similar position, that members of the interview committee, in terms of the GR dated 23.8.2011 (page 82) considering the nature of their work, always sub-delegate the job of the members of the committee to their subordinates, which has never been objected to by the State at any point of time. It is therefore, his contention that the judgment of the learned Maharashtra

Administrative Tribunal does not need any interference, at all.

6. Mr. Madiwale, learned AGP admits the positions indicated in the chart at “X” above, and reiterates what has been said about it in para 8 of the affidavit dated 21.3.2024 (page 278).

7. Mr. Chitalay, learned Advocate for Nos. 4 to 20 in Writ Petition No. 837/24 relies upon *Madras Institute of Development Studies and anr Vs. K. Sivasubramaniyan and ors, 2016(1) SCC 454* (paras 6 and 15) to contend that since the petitioners participated in interview and failed to get selected, they cannot now be permitted to turn around and question the composition of the selection committee. He further submits that there is no averment regarding the selection committee composition in the complaint for which he also invites our attention to one such complaint at page 91. It is also his contention, that section 9 of the Maharashtra Village Police Act 1967 does not confer any power upon the authorities to terminate the appointment as Police Patil, on anything else apart from what is contained therein and since neither of the conditions are being fulfilled, the termination has rightly been set aside by learned MAT. Reliance is also placed upon Section 3 of the said Act to contend that the power to delegate the functions, inherently exist in the authority and therefore, the fact that some of the members of the committee further sub-delegated their powers to their subordinate who participated in the selection process, the same was clearly justified and permissible in light of the

language of Section 3.

8. The narration of events above, would indicate that the position on record is undisputed that the SDPO, Bhandara, Social Welfare Officer, Bhandara and Tribal Project Officer, Bhandara who were original members of the interview committee, were not present when the interviews were conducted but had deputed their subordinates. None of the respondents, seriously dispute this position as indicated in the Charts in para 1 above. The same is being tried to be justified on the ground that as a matter of convenience, this is the norm followed everywhere.

9. Before we proceed, it is necessary to consider the objections raised by the learned counsel for the respondents that participation in the interview process by the petitioners, precludes them from challenging the composition or for that matter the fact, that the members of the interview committee had deputed their subordinates, in their place. In this regard, what is necessary to note is that the interviews were held on 10th, 11th and 12th of April, 2023. There does not appear to be anything available on record, placed by the respondents to indicate, that the names and designations of the persons, who were members of the interview committee, were ever displayed at the place of the interviews, or there was any other mode by which the names and designations of those participating in the interview committee were at any point of time, either prior or after the interviews were conducted, were brought to the notice or knowledge of the candidates.

10. It is also necessary to note, that in view of the report by the committee comprising of the Additional Collector, Bhandara Shri Sunil V.Vinchankar dated 22-5-2023 (Pages 117 to 130), the entire selection process, was cancelled by the State by the order dated 30-6-2023 (Page 135). It is therefore apparent that on account of such cancellation the question of enquiring into and challenging the composition of the interview committee did not arise at all. It is clearly apparent that on account of such cancellation as is indicated by the order dated 30-6-2023 (Page 135), the petitioners were justifiably under the impression that the interviews would be held again.

11. It is only when the decision taken on 30-6-2023 came to be challenged before the learned Maharashtra Administrative Tribunal, who by the impugned judgment dated 05-10-2023 (Page 70), quashed and set aside the order dated 30-6-2023 (Page 135) and the petitioners came to be aware of this, that the need for enquiring into the substitution in the committee was felt, on account of which the position as spelt out in the tables, in para 1 above, came to light. It is therefore apparent that there is no material on record to indicate, that either of the petitioners, or for that matter, even the respondent Nos.4 to 20 were ever made aware of the fact that the persons, who are supposed to be members of the committee, were substituted by their subordinates. The respondents, in their submissions, have not controverted this position.

12. ***Barot Vijaykumar Balkrishna*** (supra) relied upon by the learned Senior Counsel Mr. Khapre for the contesting respondents, was a case in which, after the interviews were over and the selection process was on, in order to ensure proper shortlisting, a minimum cut-off mark criteria for the viva voce was fixed, in a challenge to which, it was held that the same was in compliance with the rules and did not cause any prejudice to any candidate, on account of which no illegality was found in the selection process.

13. ***Chandra Prakash Tiwari*** (supra) relied upon by Mr. Khapre, learned Senior Counsel for the respondents though holds that in the event a candidate appears at the interview and participates therein, only because the result of the interview is not palatable to him, he cannot turn around and subsequently contend that the process of interview was unfair or there was some lacuna in the process. It also holds, that the issue of estoppel by conduct can only be said to be available in the event of there being a precise and unambiguous representation and it is only on that score a further question arises as to whether there was any unequivocal assurance prompting the assured to alter his position or status and it is in this context, it has been held that it is the position of law that when a candidate appears at the examination without protest and is subsequently found to be not successful in the examination, question of entertaining the petition challenging the said examination would not arise. It is necessary to note, that the issue whether it was

permissible for the members of the interview committee to delegate their functions to their subordinates, did not fall for consideration in this matter.

14. In the case of *Padmini Singha* (supra), a proposition is laid down that the mandatory position of law requires strict compliance but there are situations where even if a provision is mandatory, non compliance would not result in cancellation of the act, as there are certain exceptions, one such exception being if a requirement of a condition is provided in the statute for the benefit or interest of a particular person, the same can be waived by him if no public interest is involved and the ultimate result would be valid, even if the requirement of the condition is not satisfied. The above observations are in the context of a meeting to consider the no confidence motion, in which as the respondent no.6 had participated, it was held that by doing so he had waived the condition precedent that the meeting was to be convened / presided over by the Deputy Commissioner and / a gazetted officer under him not below the rank of class I gazetted officer, deputed by him. Considering the factual position, which is the subject matter of the present petition, we do not think what has been held in *Padmini Singha* (Supra), would have any relevance for deciding the issue at hands.

15. Mr. Khapre, learned Senior Counsel for the respondents has also relied upon *State of Uttar Pradesh Vs. Karunesh Kumar* (Supra), wherein it has been held that a

candidate who had participated in the selection process adopted under the Rules applicable was estopped as he had acquiesced himself, from questioning it thereafter.

16. ***Rukhmina Rajesh Dange*** (supra) relied by Mr. Khapre, learned Senior Counsel for the respondents was a case in which in a meeting for selection of the Sarpanch, the Collector had delegated his power to preside over the meeting to the Tahsildar, who in turn sub delegated it to the Circle Officer, and on account of the respondent no.1 having participated in the meeting, without raising objections throughout the meeting presided over by the Circle Officer, it was held relying upon ***Padmini Singha*** (Supra), that waiver of any mandatory requirement, which was in the interest of the party, was permissible at the behest of such party.

17. It is a trite position of law, that for inferring waiver it has to be first demonstrated that the person who is claimed to have waived was aware of the change which had taken place and in spite of being aware of it, had not objected to the same, but had participated and thereby acquiesced. In the facts narrated above, it would be apparent, that this position regarding the change in the interview committees, was never pointed out or brought to the knowledge of the participants, on account of which, the question of any estoppel or acquiescence would not arise.

18. In this context, it is necessary to consider the case of ***Ramjit Singh Kardam*** (supra). ***Ramjit Singh Kardam***

(supra), was a case in which, the application for various posts in different categories were invited by the Harayana Staff Selection Commission and under category No.23, 1983 posts of PTI (Physical Training Instructors) were advertised. In pursuance to which, 20836 applications were received, written examinations were held on 21-1-2007. A public notice was issued by the Commission on 1-2-2007 stating that due to several complaints/reports with regard to malpractice and cheating committed in written examination held on 21-1-2007 the Commission had decided to cancel the examination. By the notice dated 11-7-2008, the written examinations were re-notified to be held on 20-7-2008, which again came to be cancelled by the notification dated 30-6-2008 and by another notice dated 11-7-2008, a list was published by the Commission to short list the candidates for interview. The interview schedule was published on 18-7-2008, the programme indicating the interviews to be held from 02-09-2008 to 17-10-2008 in which 15582 candidates have appeared, results were declared on 10-4-2010 which was published on 11-4-2010. The select list came to challenged on various grounds, that the criteria was changed to get the desired result though the academic qualifications were good, candidates were given lesser marks in the interview, there was no rational criteria to select the candidates, which was changed from time to time. It is in this background, that the Hon'ble Apex Court framed as many as six points, point Nos. (i) and (ii) being of relevance are quoted as under :

“(i) Whether the Respondent writ Petitioners who had participated in the selection were estopped from challenging the selection in the facts of the present case ?

(ii) Whether the Respondent writ Petitioners could have challenged the criteria of selection applied by Commission for selection after they had participated in the selection ?”

After considering the entire conspectus of law as applicable in the arena this is what has been held.

“ 40. One more judgment of this Court which supports the view taken by the High Court is ***Bishnu Biswas and ors. Union of India and ors.***, MANU/SC/0264/2014 : (2014) 5 SCC 774. An advertisement was published calling applications for appointment to the post of Group D staff. The Recruitment Rules only provided for a written examination having 50 maximum marks. After holding written examination notice was issued calling the successful candidates for interview. Although such interview was not part of the recruitment process, a select list was published which was challenged in the Tribunal. The Tribunal returned a finding that the manner in which marks have been awarded in the interview to the candidates indicated lack of transparency. The High Court upheld the reasoning of the Tribunal but modified the order to the extent of continuing the recruitment process from the point it stood vitiated. This Court laid down following in paragraphs 19 and 20:

“19. In the instant case, the Rules of the game had been changed after conducting the written test and admittedly not at the stage of initiation of the selection process. The marks allocated for the oral interview had been the same as for written test i.e.

50% for each. The manner in which marks have been awarded in the interview to the candidates indicated lack of transparency. The candidate who secured 47 marks out of 50 in the written test had been given only 20 marks in the interview while a large number of candidates got equal marks in the interview as in the written examination. Candidate who secured 34 marks in the written examination was given 45 marks in the interview. Similarly, another candidate who secured 36 marks in the written examination was awarded 45 marks in the interview. The fact that today the so-called selected candidates are not in employment, is also a relevant factor to decide the case finally. If the whole selection is scrapped most of the candidates would be ineligible at least in respect of age as the advertisement was issued more than six years ago.

20. Thus, in the facts of this case the direction of the High Court to continue with the selection process from the point it stood vitiated does not require interference. In view of the above, the appeals are devoid of merit and are accordingly dismissed. No costs.”

19. It is, therefore, apparent, that mere participation in the selection process, by itself, would not prevent or prohibit the candidate from questioning the selection process in the above contractual background.

20. The GR dated 23-08-2011 (page 80), specifically mandates that for the purpose of appointments to the post of Police Patil, for the purpose of the interview to be conducted

which carried 20 marks, a committee comprising of the persons, holding the following positions was to be constituted :

“२. २० गुणांची तोंडी परीक्षा घेण्याकरीता उपविभागीय दंडाधिका-यांनी त्यांच्या अध्यक्षतेखाली पुढीलप्रमाणे समिती गठीत करण्यात यावी :-

उपविभागीय दंडाधिकारी	— अध्यक्ष
उपविभागीय पोलीस अधिकारी	— सदस्य
समाजकल्याण अधिकारी	— सदस्य
आदिवासी प्रकल्प अधिकारी	— सदस्य
संबंधीत तालुक्याचे तहसिलदार	— सदस्य”

21. The abovesaid GR dated 23-08-2011 (page 80) and its applicability in the instant matter is not disputed by the respondents. What is necessary to note is that the committee to be constituted in terms of the aforesaid GR, indicates the members of the committee by the posts, which they hold. This by itself, would indicate, that the committee is not comprising of individual persons, but of persons, who are holding and occupying the aforesaid posts. The work of conducting an interview, is not everybody's cup of tea. That is perhaps the reason why, the committee of 5 persons, as indicated in the GR dated 23-08-2011, comprises of persons holding responsible positions, in the Government hierarchy, which range from the Sub-Divisional Magistrate, to the Tahsildar of the concerned Tahsil, who are persons, aware of the nature of the work and duties, responsibilities which are to be performed by a person holding the post of a Police Patil. Though it is contended, by relying upon Section 3 of the Maharashtra Village Police Act, that it is permissible for such member of the interview committee to delegate his function, we, however, find, that

Section 3 of the Village Police Act, is in relation to the administration, control and direction to the village police which is to be exercised by the District Magistrate, who may with the sanction of the State Government or the Commissioner delegate all or any of the powers conferred on or exercisable by him, by or under the provisions of the Maharashtra Village Police Act, 1967, to any Sub-Divisional Magistrate or the Taluka Magistrate, having revenue charge as an Assistant or Deputy Collector / Tahsildar. This in our considered opinion has to be restricted to the powers of the District Magistrate as contemplated by the provisions of the Maharashtra Village Police Act and not otherwise. Even if we presume, that this is so permissible, such sub delegation, would be relatable only to the District Magistrate and none else. The Committee as indicated by the GR dated 23-08-2011 (page 80), however, comprised of 5 persons holding different posts in different departments, and therefore, the reach and scope of Section 3 of the Maharashtra Village Police Act cannot be held to include them. Even otherwise, as we have indicated above, since the acumen and capability of a person to occupy a responsible post of Police Patil is to be tested in the interview, for which 20 marks are reserved, in our considered opinion, it was impracticable for the persons holding the posts in the interview committee, in terms of the GR dated 23-08-2011, to depute their subordinates, to take their place in the interview committee. That this has been so done, is an undisputed position vis-a-vis the SDPO, the Social Welfare Officer and Tribal Project Officer, all of whom have deputed their subordinates, to occupy their place in the interview committee

and conduct interviews. This in our considered opinion, is a position, which cannot be sustained in law.

22. When we test the impugned judgment dated 05.10.2023, in the light of the above position, we find, that the above position has not been considered at all, and rightly so for the reason, that the same was not reflected as a ground, for cancellation of the selection process in terms of the impugned communication dated 30-06-2023 (page 135), however, since we find that the petitioners are the persons who are intimately connected with the selection process and the manner in which the interview committee, functioned, on the basis of the subordinates of the officers as indicated in the GR dated dated 23-08-2011 (page 80), becoming part of it, the entire process of selection, would turn out be suspect and not in consonance with law. However, since the issue was not before MAT, we feel it appropriate, that the same be considered by it and decided appropriately by permitting the petitioners to become part of the proceedings and participate by raising appropriate pleas. In the result, we quash and set aside the impugned judgment dated 05.10.2023 and remand the matter back to the learned Maharashtra Administrative Tribunal, by permitting the petitioners to be impleaded therein as respondents, and further permitting them to raise all pleas supporting the impugned decision dated 30.06.2023.

23. Since the contesting respondents in both the petitions are already in employment, as a result of the impugned judgment, we direct the parties to appear before the

learned Maharashtra Administrative Tribunal on 28.04.2025 and present a copy of this order before it and so also seek impleadment, which needs to be allowed along with the submissions. We further direct the Maharashtra Administrative Tribunal, Nagpur to decide the original applications as remanded back within a period of 90 days from 28-04-2025. Till that duration, the employment of the contesting respondents, which has been granted to them, consequent to the judgment of the learned Maharashtra Administrative Tribunal, Nagpur, dated 05.10.2023 shall stand protected.

24. The petitions are allowed in above terms. Considering circumstances, there shall be no order as to costs. Original R & P be returned back.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)