

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

3 REVIEW APPLICATION (CIVIL) NO. 22 OF 2015
IN WP/2274/2014

PRASHANT MOHAN PAWAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Shinde Chandrakant K.
AGP for Respondents: Mr. K. J. Ghute Patil
Advocate for Respondent No.3 : Mr. V. R. Dhorde
Advocate for Respondents 2 and 5 : Mr. R. L.Kute

...
**CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.**

DATE : 24th July, 2015

PER COURT :

1. Mr. Shinde, the learned counsel submits that this Court, while dismissing the writ petition had considered the marks obtained by the candidates in the interview and selection process, however, as per Government Resolution dated 13th October, 2000, itself, the marks obtained in ATD or D.Ed. are required to be considered. The petitioner obtained more marks than respondents 4 to 6. The petitioner obtained 50.20% marks in ATD, whereas the respondents 4 to 6 have obtained 48.90%, 48.80% and 48.80% marks.
2. Learned counsel submits that when law requires particular thing to be done in a particular manner, it has to be done in that manner only.
3. Learned counsel relied on the judgment of this Court in the case of **Surekha Ragho Patil Vs. State of Maharashtra and others**, reported in **[2011 (4) Mh. L.J. 434]**.

4. We have heard learned counsel for the respective parties.
5. Scope of review is in a narrow compass. The same cannot be considered as an appeal in disguise. The petitioner challenged the selection process of the year, 2009 in writ petition in the year 2014. Even for the first time, the petitioner filed application with the grievance committee in the year 2011 i.e. after lapse of two years. By that time, the respondents 4 to 6 had become permanent.
6. It was considered that respondents 4 to 6 were meritorious in the selection process. The petitioner himself had participated in the selection process and now cannot turn round and challenge the said selection process, as held by the Apex Court in the case of **Manish Kumar Shahi Vs. State of Bihar and others, reported in (2010) 12 Supreme Court 576**, relied upon by the learned counsel for the respondents.
7. In the light of above, the review application stands dismissed.
No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

JPC