

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8570 OF 2014
IN
REVIEW APPLICATION STAMP NO. 21207 OF 2014
IN
WRIT PETITION NO. 2978 OF 2010
ALONG WITH
REVIEW APPLICATION STAMP NO. 21207 OF 2014
IN
WRIT PETITION NO. 2978 OF 2010**

Baban Radhaji Haral

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Shri Abhijit C. Darandale, Advocate for the Applicant.

Smt. S. A. Dhumal, A.G.P. for Respondents/State.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 30TH JANUARY, 2015.

PER COURT :

. The applicant/petitioner seeks review of the order dated 20th June, 2012 passed in Writ Petition No. 2978 of 2010. According to Mr. Darandale, the learned counsel for the petitioner the proclamation was *per-se* illegal. The same was not in consonance with Sec. 32 and 33 of the Persons with Disability (Equal Opportunities, Protection of Rights and Full

Participation) Act, 1995. The post was meant for physically handicapped open category candidate. According to the learned counsel, vertical reservation ought to have been provided, however, in the proclamation horizontal reservation is provided. The learned counsel submits that, thereafter, the petitioner learnt that not a single person from physically handicapped category has been appointed. Even the term in the proclamation that the appointment would continue till the person resigns is illegal. All these aspects are not considered while dismissing the writ petition.

2. We have considered the submissions canvassed by learned counsel for the applicant/petitioner. The petitioner had filed original application before the Maharashtra Administrative Tribunal. The same was dismissed. Against that the writ petition was filed. The writ petition is dismissed vide order dated 20.06.2012. While dismissing the writ petition it has been observed by this Court that, the petitioner is a candidate from open category and does not belong to any of the reserved category. There was no prayer before the Tribunal to set aside the said proclamation, nor any direction was sought for issuance of fresh proclamation.

3. In view of the fact that, challenge to the proclamation was not made by the petitioner, this Court did not entertain other

arguments. We do not find any error committed by Court while passing the impugned order. While entertaining the review petition the same cannot be considered as an appeal in disguise. The same can be considered on an error apparent on the face of record. As such, review application along with civil application for condonation of delay are dismissed. No cost.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 15