

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

REVIEW APPLICATION NO.59/2016
IN
WRIT PETITION NO.6982/2015

THE CHIEF EXECUTIVE OFFICER ZP THROUGH
RADHAKISHAN BABURAO PAWAR AND ANR.

VERSUS

RAHUL RAMCHANDRA MAGAR AND OTHERS

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Advocate for review petitioners: Mr.Tope S.S.

Advocate for Ori.Petitioners: Mr.Choudhari
Abhijit G

AGP for Respondents/State: Mrs.A.V.
Gondhalekar.

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CORAM:S.S.SHINDE & SANGITRAO S. PATIL, JJ.

Dated: APRIL 20, 2016

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This application has been filed for recalling the order dated 15th October, 2015 passed by this Court in Writ Petition No.6982 of 2015.

2 Learned Counsel appearing for the review applicant submits that the vacancy of the post of Pharmacist occurred due to the resignation of a candidate who was selected in the selection process

undertaken in the year, 2014. The petitioner did participate in the selection process in the year, 2014; however, it was a separate selection process. It is not in dispute that the petitioner participated in a separate selection process and not in the same selection process in which Mr.Nilesh Barkul was selected and appointed on the post of Pharmacist. The submission of the learned Counsel for review applicant is that when the petitioner did not participate in the selection process in which Mr.Nilesh Barkul was selected and appointed, his claim for appointment on the post of pharmacist falling vacant due to resignation of Mr.Nilesh Barkul, cannot be considered. Therefore, he submits that the order dated 15th October, 2015 may be recalled.

3 Learned Counsel for the original petitioner submits that, apart from seeking directions on the vacant post which arose due to resignation of the aforementioned employee, the petitioner has a good case on merits.

4 Upon hearing the learned Counsel for the review applicant and original

petitioner and, in view of the fact that vacancy arose upon resignation by Mr.Nilesh Barkul, who was selected in the separate selection process, we are inclined to recall the order dated 15th October, 2015 thereby directing the respondents to appoint the petitioner on the said vacancy.

5 Accordingly, the said order dated 15th October, 2015 in Writ Petition No.6982 of 2015 to the extent of directing respondent No.2 to follow the waiting list and if vacancy is there, appoint the petitioner on the said vacant post of Pharmacist and report compliance to the Advocate appearing for him, is recalled.

6 Review application is allowed to above extent and stands disposed of.

In view of disposal of the review application, nothing survives for consideration in the civil application No.16141 OF 2015 and the same stands disposed of.

7 The writ petition be listed for hearing on 13th June, 2016.

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)