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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (St) NO.28050/2011
IN
WRIT PETITION NO.3278/2011

Anil Bajrang Patil.

...Applicant..

Versus

The State of Maharashtra & another.

...Respondents...

.....

Shri S.B. Talekar, Advocate for applicant.

Shri B.V. Virdhe, AGP for respondents.

.....

CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.

DATE: 20.08.2016

ORDER :

- 1] Issue notice to respondents.
- 2] Learned AGP waives notice for the respondents.
- 3] Learned counsel for the applicant states that this Court had dismissed the writ petition filed by the present applicant against the judgment and order passed by the Maharashtra Administrative Tribunal rejecting the Original Application. According to the learned counsel, the applicant was appointed by following the due selection process and after one month his services were terminated on the ground of suppression of facts. The

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learned counsel submits that the authority ought to have considered whether the applicant is eligible to be appointed and ought not to have been guided solely by the fact that the pendency of criminal case was not disclosed. The learned counsel relies on the judgment of the Apex Court in the case of *Ram Kumar v. State of U.P.* reported in **2011 AIR SCW 4807**. The learned counsel submits that this Court can consider the judgment of the Apex Court in the present review application as this Court can entertain the review application if the judgment under review is based on misconception of facts as well as law. The learned counsel relies on the judgment of the Apex Court in the case of *Board of Cricket Control of India v. Netaji Cricket Club & others* reported in **(2005) 4 SCC 741**.

4] The learned AGP states that this Court had considered that the termination is without casting any stigma upon the applicant and in the criminal case, charge-sheet was also filed. The applicant appeared in the said criminal case, but did not disclose the said fact. According to the learned AGP, column Nos.11(A) and 11(B) of the application and the attestation form require

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the applicant to give such details.

5] We have considered the submissions canvassed by the learned counsel for the respective parties.

6] The scope in entertaining the review application would be in a narrow compass. Review cannot be entertained as an appeal in disguise. It is a matter of record that the applicant, while filling in the attestation form, did not disclose the aspect about the pendency of the criminal prosecution against him and also of the charge-sheet being filed. Clause 11(b) as is reproduced by the Maharashtra Administrative Tribunal in its judgment specifically requires the candidate to disclose any case pending against him in the Court of law. The acquittal of the applicant, as is contended, is subsequent to the filling of the attestation form i.e. in the year 2001, much after the applicant was appointed and subsequently terminated.

7] Considering the above, no case for interference is made out. The review application is rejected. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)