

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

**CIVIL APPLICATION NO. 458 OF 2017
IN
REVIEW APPLICATION STAMP NO. 938 OF 2017
IN
WRIT PETITION NO. 3917 OF 2016
WITH
REVIEW APPLICATION STAMP NO. 938 OF 2017
IN
WRIT PETITION NO. 3917 OF 2016**

Bhavsar Dilip Suklal

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Shri S. B. Talekar, Advocate h/f S. B. Talekar and Associates,
Advocate for the Applicant.

Shri R. B. Bagul, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 13TH JANUARY, 2017.

PER COURT :

. Mr. Talekar, the learned counsel for the applicant submits that, this Court under judgment and order dated 23.11.2016 had accepted the contention of the present applicant/original writ petitioner that the appointment of non applicant No. 6 was arbitrary and illegal. The same was held in view of the fact that, the selection process had already commenced. The learned counsel submits that, the selection process ought to have been continued further and the part of the order in para No. 31 i. e. giving

discretion to the institution to proceed further with the selection process pursuant to the advertisement dated 20th May, 2015 and/or issue fresh advertisement was unwarranted. The selection process which was held pursuant to advertisement dated 20th May, 2015 should be continued and the petitioner had not prayed for the relief of issuance of fresh advertisement. Pursuant to the advertisement dated 20.05.2015, six candidates had applied along with the petitioner. Now, if fresh advertisement is issued, the fresh candidate would apply wherein chances of the petitioner would minimize that was not purpose of the petition.

2. We had consciously passed the order giving discretion to the institution either to proceed with the selection process or to issue fresh advertisement considering the fact that, the said selection process was pursuant to the advertisement dated 20.05.2015 and more than one and half year had already lapsed.

3. The jurisdiction of review is in narrow compass. The same cannot be treated as an appeal in disguise. Considering the aforesaid aspects, the application for condonation of delay along with review application is rejected. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]