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

**REVIEW APPLICATION NO. 20 OF 2017
IN
WRIT PETITION NO. 4018 OF 2008**

1. The State of Maharashtra,
Through
The Secretary, Public Works
Department, Mantralaya,
Mumbai-32.
2. The Chief Engineer,
Public Works Department,
Aurangabad.
3. The Superintending Engineer,
Public Work Circle, Aurangabad.
4. The Executive Engineer (PWD)
and Member Secretary of
Selection Committee, Aurangabad.
5. The Collector, Osmanabad. ..APPLICANTS

VERSUS

Kalidas s/o Bhanudas Mane,
Age: 41 years, Occ: Nil,
R/o. at Vitthalwadi,
Post Bembli,
Tq. & Dist. Osmanabad. ..RESPONDENTS

Mr S.K. Tambe, A.G.P. for applicants;
Mr P.S. Koshti, Advocate for respondent

**CORAM : P.B. VARALE &
SUNIL K. KOTWAL, JJ.**

DATE : 8th DECEMBER, 2017

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ORAL ORDER :

Heard Mr. Tambe, learned A.G.P. appearing for review applicants.

2. The State is before us seeking challenge to the judgment and order dated 7th July, 2008 passed by this Court.

3. We have gone through the judgment and order, of which, the applicants have sought review in the present application. The Division Bench of this Court, while considering the issue observed that, the judgment of the Division Bench was passed in the case of **Sunil Eknath Patil vs State of Maharashtra in Writ Petition No.7472 of 2007** on 31st March, 2008. The Division Bench further observed that as the State has withdrawn advertisement, it will not be possible for this Court to issue any direction for consideration of claim of the petitioner. However, in the event, the respondents decide to fill in the posts, then the

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respondents are bound to fill in vacancies of Project Affected Persons in terms of judgment of this Court in Writ Petition No.7472 of 2007. It was brought to the notice of this Court by learned Counsel appearing for the petitioner that a fresh advertisement is issued and is published on 30th June, 2008 in daily newspaper namely 'Daily Lokmat' for filling up the post of Civil Engineering Assistant. Number of vacancies were also set out. Considering these facts, Division Bench directed the respondents that against vacancies for Project Affected Persons, same be filled in, in terms of judgment of this Court in Writ Petition No.7472 of 2007.

4. In review application, the applicants have challenged the judgment and order of the Division Bench of this Court on merit assailing various grounds touching to the reassessment and re-appreciation of the judgment. This Court on 23rd November, 2017 directed learned Counsel for the respondent to take instructions and make statement

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before this Court, whether during pendency of the petition, the respondent has applied for any appointment under the category of 'Project Affected Person' and as to whether, he has acquired employment pursuant thereto.

5. Learned Counsel appearing for the respondent invited our attention to the reply filed on 8th December, 2017. By inviting our attention to paragraph-4 of the reply, he submitted that though, the respondent, in response to order passed by this Court, made several representations and submitted his claim for consideration to the appointment but till date, no decision is taken. Learned Counsel then invited our attention to the representations made to the authorities and submitted that though representations are made, no heed is paid to the representations.

6. In view of the fact that the Division Bench of this Court directed the respondents to fill up vacancies for project affected persons in

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terms of judgment of this Court in Writ Petition No. 7472 of 2007 and insofar as the claim of the petitioner is concerned, the petitioner was permitted to contest his claim alongwith other candidates in view of advertisement dated 30th June, 2008. Considering all these facts, in our opinion, the review application is wholly devoid of merits. It is settled position of law that in exercise of our powers in review application, this Court cannot undertaken exercise of reassessment or re-appreciation of the matter on merits. It is also well settled position that the scope should be limited one in entertaining the review application. None of such ground for exercising power to review the order is coming forth. The review application, thus, being wholly devoid of merit, deserves to be dismissed and same is accordingly dismissed.

(SUNIL K. KOTWAL, J.)**(P.B. VARALE, J.)**