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

REVIEW APPLICATION (CIVIL) NO. 234 OF 2017
IN
WRIT PETITION NO. 11055 OF 2016

1. Suhas Diliprao Kolapkar,
and Others .. APPLICANTS
VERSUS
1. The State of Maharashtra
and Others .. RESPONDENTS.

Mr. M.K. Bhosale, Advocate, for the Applicants.

Mr.S.W. Mundhe, AGP for the State.

Mr. S.S. Dambe, Advocate for Respondent Nos. 1 to 16.

None for the Respondent No.17

CORAM : **S.V. GANGAPURWALA &
M.S. PATIL ,JJ.**

DATE : 17th November, 2017.

PER COURT :-

1. This is a Review Application, by the Applicants praying to review judgment and order dated 22.08.2017 passed by this Court in Writ Petition No. 11055 of 2016.

2. The learned Advocate for the review applicants submits that the only mistake that was in the advertisement for the post of Instructor is that preference was not given to the candidates who have successfully completed training in the

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Central Training Institute. According to the learned Advocate, the same can be corrected and while conducting selection process, the authority can give preference to such candidates who possess qualification prescribed in the advertisement. The qualification prescribed in the advertisement is correct and is the same as per the notification dated 27th May, 2014. It has been only differently worded. Large number of candidates have applied and no one is deprived from making application pursuant to the qualification mentioned in the advertisement.

3. We have heard the learned A.G.P, and learned Advocate for Respondents.

4. While dismissing the Writ Petition, we have observed in paragraph Nos 6 and 7 as under :-

" 6. As far as post of Craft Instructor is concerned, notification dated 18.11.1983 also specifically lays down that the preference may be given to the candidate who have successfully completed training in the Central Training Institute for the post of Instructor. The advertisement did not prescribe the said condition. Moreover, even as per the Circular issued by the Directorate General of Employment and

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Training dated 27.5.2014 i.e. prior to the advertisement, for every unit in a trade, one of the Instructor appointed should be with professional qualification as I.T.I passed out with National Craft Instructor Certificate (for trades where Craft Instructor Training course was available).

7. Considering the aforesaid aspects, the Tribunal has not committed any error in quashing the advertisement, however, it requires to be clarified that the advertisement shall stand quashed and set aside for the post of I.T.I Craft Instructor in different trades and the said order of the Tribunal shall not have the effect on the impugned advertisement for the post other than I.T.I Craft Instructors.

5. It would be apparent that the qualification prescribed in the notification dated 27.5.2014 is prior to the advertisement. For every unit in a trade, one of the Instructors should possess professional qualification as I.T.I pass out with National Craft Instructor Certificate (for trades where National Craft Instructor Training course was available). The same is not stated in the advertisement. It cannot be corrected during the course of selection process.

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6. In the light of the above, no error apparent on the face of the record is depicted in the order, of which review is sought.

7. Moreover, it is stated that, the State Government has not challenged the order passed by this Court dismissing the Writ Petition No. 11055 of 2016. The State Government has accepted the said order. No case is made out to review the Judgment and order dated 22.08.2017 passed by this Court in Writ Petition No. 11055 of 2016. Hence, the review application is rejected with costs.

(Manges S. Patil)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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