

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

BENCH AT AURANGABAD.

**REVIEW APPLICATION (CIVIL) NO.23 OF 2018
IN
WRIT PETITION NO.10424 OF 2015**

Santosh S/o Nagnath Parade ... Applicant.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.T.M.Venjane, advocate for the applicant.
Mr.S.G.Karlekar, A.G.P. for the State.
Mr.R.P.Adgaonkar, advocate for Respondent No.4.
absent.

...

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

Date : 27.04.2018.

PER COURT :

1. Mr.Venjane, learned counsel for the Review Applicant submits that the non-applicant No.4 did not join the post. It was necessary for the Respondents to keep wait list. The applicant would have been at serial No.1 at the wait list and when one Mr.Ganesh Divekar, had not joined, the petitioner ought to have been appointed. At

the time of filing Original Application and the pronouncement of judgment by the Tribunal, the applicant did not have the knowledge of this fact. It is subsequently only the applicant got the knowledge, as such the said point was canvassed during the course of hearing. According to the learned counsel, the petitioner is a selected candidate, as such could have been considered for appointment.

2. Mr.Karlekar, learned A.G.P. submits that even Mr.Divekar, who was selected and did not join as Criminal case was pending against him. On acquittal, the decision is taken to accommodate him in future vacancies that may arise. The case put forth by the applicant was not subject matter before the Tribunal.

3. The Writ Petition was filed against the order of the Maharashtra Administrative Tribunal, dismissing the Original Application. The Original Application filed by the applicant was on the ground that proper marks have not been given and that the applicant ought to have been

considered in place of non-applicant No.4. The said contention was negatived. Against the said judgment, the Writ Petition was filed. In Writ Petition also, it was not the case of the applicant that one of the candidate is not joined and he is required to be considered or wait list is to be prepared.

4. For the first time, in Review all these aspects can not be considered. In fact, this Court was exercising supervisory jurisdiction as against the judgment of the Tribunal. It is also submitted by the learned A.G.P. that even those persons selected, upon their acquittal being considered for appointment would be considered only if future vacancies arise and as yet they are not accommodated.

5. In light of the above, Review Application is disposed of. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

