

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

**Review Application No.161 of 2018
In
Writ Petition No. 7355 of 2007**

* Roshan-Singh Sinsinwar,
Age 47 years, Occupation : Service,
R/o. Chandmari Chal,
R.P.D. Road, Bhusaval,
District Jalgaon. **.. Applicant.**

Versus

- 1) Union Government of India,
Through Director General,
Railway Board, Ministry of Railways,
New Delhi.
- 2) Chief Security Commissioner,
Railway Protection Force,
Mumbai, R.P.F., C.S.T., Mumbai.
- 3) Divisional Security Commissioner,
Railway Protection Force,
Bhusaval, District Jalgaon.
- 4) Virendra Ojha,
Age Major,
Occupation : A.S.I.,
R/o Railway Protection Force
Thana Administration,
Local Train Platform No.1,
C.S.T. Mumbai. **.. Respondents.**

Shri. S.S. Wagh, Advocate, for applicant.

Shri. D.G. Nagode, Counsel for respondent Nos.1 and 2.

Shri. D.V. Soman, Advocate, for respondent Nos.3 and 4.

**Coram: T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

Dated : 25 July 2018

ORDER (Per T.V. Nalawade, J.):

1) The review application is filed in respect of the decision of Writ Petition No.7355/2007 which was filed by the present applicant for relief of declaration and which is dismissed by this Court on merits by decision dated 6-4-2018. Both the sides are heard.

2) The proceeding is filed on various grounds viz.

(i) This Court has not properly appreciated the relevant facts of the matter;

(ii) This Court has not properly construed the documents; and,

(iii) This Court has not properly interpreted the rules regarding confidential reports.

3) This Court has considered all the relevant facts of the matter and the contention of the applicant that he was entitled to the confidential reports as "Very Good" for the relevant years is rejected by this Court. This Court has considered the guidelines, instructions of the Department

of the applicant and on that basis the decision is given by this Court. The instruction is to the effect that when the confidential reports of relevant years are not available, selection committee should consider the confidential reports of the years preceding the period in question and if in case even these are not available, the selection committee should take the confidential reports of lower grade into account to complete the number of confidential reports required to be considered. This Court has considered the contention that the confidential reports for some years of the relevant period were not available and aforesaid instructions. Even after giving effect to the aforesaid instructions the petitioner, present applicant could not get anything.

3) The other contention of the applicant that he was Head Constable and the Countable who got similar marks is considered as senior to him is also considered by this Court and this Court has held that the relevant date is the date of joining of the service in view of the rules framed for limited promotional avenue for which examination was held. If this Court has committed error in

deciding these points, then it is necessary for the present applicant to challenge the decision of this Court by filing appropriate proceeding. The aforesaid contention made by the applicant in review application cannot be considered within the scope of review application.

4) The learned counsel for the applicant has placed reliance on some observations made by Delhi High Court in **W.P. (C) No.5649/2013 (Shri Tarsem Kumar v. Union of India)** decided on 1-10-2014 and submitted that the instructions ought to have been properly interpreted and other view could have been taken. This submission is not acceptable for the reasons already given. In the result, the application stands rejected.

Sd/-
(SUNIL K. KOTWAL, J.)

Sd/-
(T.V. NALAWADE, J.)

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